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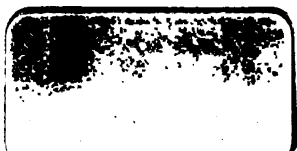
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EXECUTIVE DOCUMENTS

PRINTED BY ORDER OF

THE HOUSE OF REPRESENTATIVES,

DURING THE

SECOND SESSION OF THE THIRTY-NINTH CONGRESS,

1866-'67.

IN SIXTEEN VOLUMES.

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Volume 2.....	No. 1. Interior.
Volume 3.....	No. 1. War.
Volume 4.....	No. 1. Navy, Postmaster General, and No. 2.
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GEORGE ST. LEGER GRENDEL.

• ———
MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

IN ANSWER TO

A resolution of the House of the 19th December, transmitting papers relative to the case of George St. Leger Grenfel.

—————
JANUARY 21, 1867.—Laid on the table and ordered to be printed.
—————

To the House of Representatives :

I transmit herewith a report from the Secretary of War, and the accompanying papers, in compliance with the resolution of the House of Representatives of the 19th ultimo, requesting copies of all papers in possession of the President touching the case of George St. Leger Grenfel.

ANDREW JOHNSON.

WASHINGTON, *January 19, 1867.*

—————
WAR DEPARTMENT,
Washington City, January 18, 1867.

MR. PRESIDENT: I have the honor to transmit herewith a letter from the Adjutant General of January 18th, with copies of the papers in possession of this department, touching the case of George St. Leger Grenfel, called for in a resolution of the House of Representatives of December 19, 1866, hereunto annexed, and referred by you to this department.

Very respectfully, your obedient servant,

EDWIN M. STANTON,
Secretary of War.

The PRESIDENT.

—————
WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,

Washington, January 18, 1867.

SIR: In compliance with your instructions, I have the honor to submit herewith the following papers called for by resolution of the House of Representatives, dated December 19, 1866, touching the case of George St. Leger Grenfel, a prisoner at the Dry Tortugas :

Proceedings of the military commission before which Grenfel was tried, with reports of the judge advocate general thereon.

The order of the President in the case.

General Court-martial Orders No. 452, of August 22, 1865, promulgating the proceedings, findings, and sentence; and the President's order.

Copy of letter dated Richmond, October 9, 1866, signed Bradley Johnson, found among the papers of Grenfel at Dry Tortugas.

Copy of a letter, dated Tallahassee, Florida, October 11, 1866, signed A. J. Peeler, to Grenfel.

I have the honor to be, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,
Assistant Adjutant General.

Hon. E. M. STANTON,
Secretary of War.

THIRTY-NINTH CONGRESS—SECOND SESSION.

Congress of the United States, in the House of Representatives, December 19, 1866.

Mr. Wentworth submitted the following, which was agreed to :

Whereas it is represented in the newspapers that the legislature of Illinois has adopted a report and resolutions recommending that one Colonel George St. Leger Grenfel, who was convicted as one of the leaders in the conspiracy to release the rebel prisoners in Camp Douglas, at Chicago, and then to burn said city, and sentenced to death therefor, but whose sentence was afterwards commuted to imprisonment for life, be pardoned : Therefore—

Resolved, That the President of the United States be requested to furnish this House with copies of all the papers in his possession touching the case of said George St. Leger Grenfel.

Attest:

EDWARD McPHERSON, *Clerk.*

ADJUTANT GENERAL'S OFFICE, *December 20, 1866.*

Official :

E. D. TOWNSEND,
Assistant Adjutant General.

PROCEEDINGS OF A MILITARY COMMISSION WHICH CONVENED AT CINCINNATI, OHIO, BY VIRTUE OF THE FOLLOWING SPECIAL ORDERS.

Official copy in the case of George St. Leger Grenfel, as per resolution of the House of Representatives of December 19, 1866.

J. HOLT,
Judge Advocate General.

[Special Order No. 278.—Extract.]

HEADQUARTERS NORTHERN DEPARTMENT,
Cincinnati, Ohio, December 29, 1864.

* * * * * 4. A military commission is hereby ordered to meet at Cincinnati,

Ohio, on the third day of January, 1865, at 10 o'clock a. m., or as soon thereafter as is practicable, for the trial of such prisoners as may be brought before it.

[Detail for the commission.]

1. Colonel M. N. Wiswell, sixth regiment Veteran Reserve Corps.
 2. Colonel B. J. Spooner, eighty-third Indiana volunteers.
 3. Colonel R. P. De Hart, one hundred and twenty-eighth Indiana volunteers.
 4. Colonel Reuben Williams, twelfth Indiana volunteers.
 5. Lieutenant Colonel P. Von Radwitz, additional aide-de-camp, United States army.
 6. Lieutenant Colonel S. H. Lathrop, assistant inspector general, United States army.
 7. Lieutenant Colonel Albert Heath, one hundredth regiment Indiana volunteers.
 8. Major W. C. Macrae, United States army.
 9. Major S. P. Lee, sixth regiment Veteran Reserve Corps.
- Major H. L. Burnett, judge advocate department of the Ohio and northern department, judge advocate of the commission.

By command of Major General Hooker :

C. H. POTTER,
Assistant Adjutant General.

[Special Orders No. 4.—Extract.]

HEADQUARTERS NORTHERN DEPARTMENT,
Cincinnati, Ohio, January 5, 1865.

* * * * 2. Colonel Charles D. Murray, eighty-ninth regiment Indiana volunteers, is hereby detailed as a member of the military commission now in session in this city, convened by Special Orders No. 278, current series, from these headquarters, vice Colonel Reuben Williams, twelfth Indiana volunteers, hereby relieved at his own request, who will join his regiment in the field.

By command of Major General Hooker :

C. H. POTTER,
Assistant Adjutant General.

[Special Orders No. 8.—Extract.]

HEADQUARTERS NORTHERN DEPARTMENT,
Cincinnati, Ohio, January 10, 1865.

* * * * 4. The military commission now in session in this city, convened by Special Orders No. 278, dated December 29, from these headquarters, will hold its sessions without regard to hours.

By command of Major General Hooker :

C. H. POTTER,
Assistant Adjutant General.

COURT-ROOM, CINCINNATI, OHIO,
• January 11, 1865—2 o'clock p. m.

The commission met pursuant to the foregoing Special Orders. Present, Colonel Charles D. Murray, president; Colonel M. N. Wiswell, Colonel B. J.

Spooner, Colonel R. P. De Hart, Lieutenant Colonel P. Von Radowitz, Lieutenant Colonel S. H. Lathrop, Lieutenant Colonel Albert Heath, Major N. C. Macrae, Major S. P. Lee; Major H. L. Burnett, judge advocate.

The commission then proceeded to the trial of Charles Walsh, Buckner S. Morris, Vincent Marmaduke, R. T. Semmes, Charles T. Daniel, *alias* Charles Travis, George E. Cantril, G. St. Leger Grenfel, and Benjamin M. Anderson, who were present before the court, and who, having heard read the Special Orders convening the court, were asked by the judge advocate if they had any objection to any member named therein, to which the accused all and severally answered they had none.

The commission and the judge advocate were then duly sworn in presence of the accused. The recorder, Benn Pitman, was then duly sworn by the judge advocate, also in presence of the accused.

The judge advocate here announced that, in pursuance to the Special Orders No. 8, headquarters northern department, dated January 10, 1865, J. P. Jackson, esquire, of the firm of Jackson & Johnson, would appear as assistant counsel in the prosecution of these cases.

The accused, Charles Walsh, then applied for permission to introduce E. G. Asay and R. S. Wilson, esquires, as his counsel.

The accused, Buckner S. Morris, applied for permission to introduce S. W. Bartley, T. M. Key, and Robert Hervey, esquires, as his counsel.

The accused, Vincent Marmaduke, applied for leave to introduce James O. Broadhead, esquire, and Messrs. Lincoln, Smith & Warnock, as his counsel.

The accused, R. T. Semmes, applied for permission to introduce T. W. Bartley and T. M. Key, esquires, as his counsel.

The accused, George E. Cantril, applied for permission to introduce T. A. Logan, esquire, as his counsel.

The accused, G. St. Leger Grenfel, applied for permission to introduce E. G. Asay and R. S. Wilson, esquires, as his counsel;

Which applications were all and severally granted by the commission, and the counsel appeared accordingly.

The judge advocate then inquired if the accused were ready to plead to the charges and specifications, when they, through their counsel, desired that they might not be required to plead until to-morrow.

The commission then adjourned to meet on Thursday, January 12, 1865, at 11 o'clock a. m.

COURT-ROOM, CINCINNATI, OHIO,
January 12, 1865—11 o'clock a. m.

Commission met pursuant to adjournment. All the members present; also the judge advocate, the assistant counsel, the accused and their counsel.

The proceedings were read and approved.

The following Special Orders from headquarters northern department were then read to the commission by the judge advocate :

[Special Orders No. 2.—Extract.]

HEADQUARTERS NORTHERN DEPARTMENT,
Cincinnati, Ohio, January 3, 1865.

1. Major H. L. Burnett, judge advocate department of the Ohio and northern department, judge advocate of the military commission convened by Special Orders No. 278, December 29, 1864, from these headquarters, is hereby authorized

to employ an additional reporter during progress of the case now before that commission.

By command of Major General Hooker :

C. H. POTTER,
Assistant Adjutant General.

[Special Orders No. 8.—Extract.]

HEADQUARTERS NORTHERN DEPARTMENT,
Cincinnati, Ohio, January 10, 1865.

* * * * *

6. Major H. L. Burnett, judge advocate department of the Ohio and northern department, is hereby authorized to employ an assistant counsel in the cases of the Chicago conspirators, pending before the military commission now in session in this city, at the terms as stated in Major Burnett's letter of January 10, 1865.

By command of Major General Hooker :

C. H. POTTER,
Assistant Adjutant General.

The accused, Charles Travis Daniel, then applied for permission to introduce B. W. Bartley and T. M. Key, esqrs., as his counsel, which application was granted, and the counsel appeared accordingly.

George Munson was then sworn as an additional reporter, by the judge advocate, in presence of the accused.

The judge advocate then said :

"I would here beg to say to the counsel for the accused, that in my department I have endeavored, so far as I have deemed it consistent with the interests of the service, to liberate military courts from some of the restraints to which they have heretofore been subject. I have adopted the plan of interrogating the witnesses, both on the part of the government and the accused, orally; and also of permitting the argument on objections to questions of law to be made before the court orally. I have only to ask that the counsel will treat this concession fairly, and not trespass too far upon the time of the court. The counsel must recollect that everything has to be made a matter of record, and if long speeches are to be made, and the time of the court unduly wasted, I shall have to ask the commission to return to the rules by which everything must be reduced to writing, which would be inconvenient to the court, to the counsel, and to the accused.

"When a question of law arises, I have found it best to state the points briefly; those points to go upon the record, and if the counsel desire to elaborate before the commission, they have full permission to do so; but that will not go upon the record unless the gentlemen, for some special reason, particularly desire it."

The accused, Charles Walsh, was then asked by the judge advocate if he was ready to plead to the charges and specifications; when, through his counsel, he submitted a plea to the jurisdiction of the commission.

The judge advocate objected to so much of the plea of the accused as denied the right of process to compel the attendance of witnesses.

The plea of Charles Walsh (after being corrected) was submitted, marked A, hereto attached and made part of this record.

The accused, Buckner S. Morris, was then asked by the judge advocate if he was ready to plead to the charges and specifications, when, through his counsel, he submitted a plea to the jurisdiction of the commission.

The judge advocate objected to so much as alleges that he was not within the lines of any military camp, nor within the sphere of the military operations of any army in the field, at the time of the alleged transactions.

The accused, R. T. Semmes, was then asked by the judge advocate if he was ready to plead to the charges and specifications, when, through his counsel, he submitted a plea to the jurisdiction of the commission, to which the judge advocate offered the same objection.

The accused, George E. Cantrill, was then asked by the judge advocate if he was ready to plead to the charges and specifications, when he, through his counsel, submitted a plea to the jurisdiction of the commission, to which, also, the judge advocate offered the same objection.

The accused, Charles Travis Daniel, was then asked by the judge advocate if he was ready to plead to the charges and specifications, when, through his counsel, he submitted a plea to the jurisdiction of the commission, to which the judge advocate objected to so much of the plea as was merely descriptive and stated matters of testimony.

The accused, Vincent Marmaduke, was then asked by the judge advocate if he was ready to plead to the charges and specifications, when, through his counsel, he submitted a plea to the jurisdiction of the commission, to which the judge advocate objected to so much as stated that the accused was denied the right of compulsory processes to secure the attendance of witnesses in his behalf.

The required correction being made, the plea of the accused, Vincent Marmaduke, was received, said plea being marked "Government Exhibit B," and hereto attached and made part of this record.

The accused, Benjamin M. Anderson, was then asked by the judge advocate if he was ready to plead to the charges and specifications, when he, through his counsel, submitted a plea to the jurisdiction of the commission, said plea marked Exhibit C, hereto attached and made part of this record.

The accused, G. St. Leger Grenfel, was then asked by the judge advocate if he was ready to plead to the charges and specifications, when he, through his counsel, submitted a plea to the jurisdiction of the commission, said plea marked D, hereto attached and made part of this record.

The court was here cleared for deliberation. On being reopened, it was announced to the accused by the judge advocate that from the pleas of the accused, Buckner S. Morris, R. T. Semmes, Charles Walsh, George E. Cantrill, and G. St. Leger Grenfel, were to be stricken out that which alleges that the accused were not within the lines of any military camp, nor within the sphere of military operations of any army in the field, at the time of the alleged transactions; and that from the plea of Charles Travis Daniel the allegations which were simply descriptive, or that stated matters of evidence should be stricken out.

These corrections having been made, the plea of Buckner S. Morris was received, marked Exhibit E, hereto attached and made part of this record.

The required corrections having been made, the plea of R. T. Semmes was received, marked Exhibit F, hereto attached and made part of this record.

The required corrections having been made, the plea of George E. Cantrill was received, marked Exhibit G, hereto attached and made part of this record.

The required corrections having been made, the plea of Charles Travis Daniel was received, marked Exhibit H, hereto attached and made part of this record.

The commission then adjourned to meet on Friday, January 13, 1865, at 11 o'clock a. m.

EXHIBIT A.

Plea to jurisdiction.

UNITED STATES MILITARY COMMISSION,
At Cincinnati, January 12, 1865.

UNITED STATES,
vs.
CHARLES WALSH, impleaded, &c. }

UNITED STATES OF AMERICA, *State of Ohio :*

The said defendant, Charles Walsh, impleaded, &c., comes in proper person, and, by way of plea to the several charges and specifications against him here exhibited, says that not now being and not having been at the time the matters set forth in said charges and specifications in the military or naval service of the said United States, nor in any other capacity which renders him subject to the articles of war or the jurisdiction of a military tribunal, and not having been at the said time when, &c., within the lines of any military camp nor within the sphere of the military operations of any army in the field, and the offence charged not being infraction of any of the articles of war, he is not amenable therefor to the jurisdiction of this military tribunal.

And this defendant further avers that he is a civilian and a citizen of the United States and a resident of the city of Chicago, in the State of Illinois, one of the United States of America, in which said city and State the offences charged are alleged to have taken place, and was so at said time in said charges and specifications mentioned.

And this defendant further avers that the civil courts of the United States are open and wholly unobstructed in said State of Illinois, and that the administration of the laws of the United States within the said State was, at the time of the alleged acts, and ever since has been, and now is, unimpaired in the said courts, and which courts have full jurisdiction, power, and authority under the laws of the United States to hear and determine the matters charged against this defendant, and that he is amenable solely to the authority and jurisdiction of said circuit and district courts of the United States for the northern district of Illinois, where he can have legal process to enforce the attendance of witnesses on his behalf, and to which jurisdiction he is willing and ready to submit himself for trial at any time for the offences here alleged against him. He, therefore, respectfully denies the jurisdiction of this military tribunal to take cognizance of said charges against him, and especially at this place, which is beyond the territorial limits of the State of Illinois, where said offences are alleged to have been committed, and where he cannot have compulsory legal process to enforce the attendance of his witnesses, all of whom are residents of said State of Illinois, and beyond the jurisdiction of any court in the State of Ohio.

He therefore respectfully prays that this court will take no further cognizance of the matters here charged, but that the same may be remitted to the courts of the United States in the northern district of Illinois for trial.

CHARLES WALSH.

UNITED STATES OF AMERICA, *State of Ohio, City of Cincinnati :*

Charles Walsh, being duly sworn, deposes and says, that he is the said defendant, and that he has heard read the foregoing plea, and that the same is true in substance and in fact.

CHARLES WALSH.

Submitted and sworn before me this 12th day of January, 1865.

Sworn to and subscribed in my presence this 12th day of January, 1865.

C. L. BURNETT,

Judge Advocate, &c.

EXHIBIT B.

Plea to the jurisdiction.

THE UNITED STATES
vs. } Military commission.
 VINCENT MARMADUKE, impleaded, &c. }

The said Vincent Marmaduke now comes and pleads to the jurisdiction of this commission, and to the first charge and first specification alleged as follows:

That at the time when the offences charged therein are alleged to have been committed he was, and is now, a citizen of the State of Missouri and of the United States. That he was not then, nor has he been since, in the land or naval forces of the United States, nor in the militia in the actual service of the United States. That he was not then, nor since that time has he been, in any way connected with the army or navy of the United States, nor connected or attached to any camp, post, garrison, or army whatever.

And he further says that the circuit court of the United States for the northern district of Illinois has jurisdiction of his person and of the offence alleged in the charge and the specification, and that he has a right to be tried therein by the Constitution and laws, upon due presentment and indictment by the grand jury, and he is willing and ready to be tried therein; that therein he has a right to compulsory process to secure the attendance of witnesses in his behalf.

He further says that the said circuit court of the United States for the northern district of Illinois was then, and has been ever since, open and unobstructed, and has been discharging its function, answering all the ends of justice, unmolested by any authority whatever.

The defendant further says that at the time said offence is alleged to have been committed, and at the time of his arrest, and thence to the present time, the city of Chicago and the State of Illinois were not under martial law, and the jurisdiction and the function of the civil courts and the administration of the laws were and are wholly unimpaired.

Wherefore the said Vincent Marmaduke denies the jurisdiction of this commission over his person and over the alleged offence, and he prays to be discharged, and that his case may be lawfully brought before the proper tribunal for trial.

And the said Vincent Marmaduke, for a plea to the jurisdiction of the commission as to the second charge and specification made against him, alleges as follows:

That at the time the said offence is alleged to have been committed, and when he was arrested, he was a citizen of the State of Missouri and of the United States, and is now; that he was not then, nor has he been since, in the land or naval forces of the United States, nor in the militia in the actual service of the United States; that he was not then, nor has he been since that time, in any way connected with the army or navy, or attached to any camp, fort, or garrison whatever.

He further says that the offence charged is not a violation of any of the articles or laws of war; that the courts of the State of Illinois and the circuit court of the United States for the northern district of Illinois have jurisdiction of his person and of the offence herein charged against him; that he is ready and willing to be tried by said courts, and has a right to be tried therein by the constitution and laws, upon the presentment and indictment by the grand jury; that therein he has a right to compulsory process to have the attendance of witnesses in his behalf.

He further says that said courts of Illinois and the circuit court of the United States for the northern district of Illinois were then, and have been ever since, open and unobstructed, and have been discharging their functions, answering all the ends of justice, without molestation or hindrance, not closed by any authority whatever.

The defendant further says that at the time the said offence is alleged to have been committed, and at the time of his arrest, and thence to the present time, the State of Illinois and city of Chicago were not under martial law, and the jurisdiction and functions of the civil court and the administration of the laws are wholly unimpaired.

Wherefore said Vincent Marmaduke says that this military commission has no jurisdiction over his person or over the offence wherewith he is charged, and he prays to be released from further appearing herein, and that he may be brought before the proper civil tribunal and tried according to law.

VINCENT MARMADUKE.

THE STATE OF OHIO, *Hamilton County, ss:*

Vincent Marmaduke, the above defendant, being duly sworn, says the allegations of the foregoing plea are true.

VINCENT MARMADUKE.

Sworn to before me, and subscribed in my presence, this twelfth day of January, 1865.

H. L. BURNETT,
Judge Advocate.

EXHIBIT C.

Plea to the jurisdiction.

THE UNITED STATES MILITARY COMMISSION,
Cincinnati, Ohio, January 12, 1865.

THE UNITED STATES }
vs.
BENJAMIN M. ANDERSON. }

The defendant, Benjamin M. Anderson, by way of plea says, that he is not and never has been in the military or naval service of the United States, nor any other position which renders him subject to the rules and articles of war, or the jurisdiction of a military tribunal, and that he was not within the lines of any military camp, nor within the sphere of the military operations of any army in the field, at the time of the alleged transactions in the charges and specifications mentioned, and that the offences charged are not infractions of the rules and articles of war.

Wherefore, he avers that he is not amenable, upon said charges, to the jurisdiction of this tribunal.

And the defendant further avers that he is a citizen of the United States and of the State of Kentucky, and was residing in said State at the time when, as is in the said charges and specifications set forth, said alleged transactions are charged to have taken place; and that, at the city of Chicago and State of Illinois, where said transactions are alleged to have occurred, the civil courts of the United States are open and wholly unobstructed, and that the administration of the laws of the United States within the northern district of Illinois were at the time of the alleged commission of the offences charged, and ever since has been, and now is, unimpaired in the said courts of the United States, and which courts have full jurisdiction, power, and authority to hear and determine the said matters charged against this defendant, and that he is amenable therefor solely to the authority and jurisdiction of the courts of the United States for the northern district of Illinois, within which district the alleged offences are charged to have been committed, and where this defendant can have legal process to enforce the attendance of witnesses on his behalf, and to which juris-

diction he is ready and willing to intrust himself for trial at any time for the offences alleged against him.

He therefore most respectfully denies the jurisdiction herein of this tribunal, and asks that no further cognizance of the matters charged against him be here taken, but that the same may be hence remitted to the courts of the United States for the northern district of Illinois for trial according to law.

BENJAMIN M. ANDERSON.

T. M. KEY & T. W. BARTLEY,
Attorneys for Defendant.

Affidavit.

UNITED STATES MILITARY COMMISSION,
Cincinnati, Ohio, January 12, 1865.

THE UNITED STATES
vs.
BENJAMIN M. ANDERSON. }

The defendant, Benjamin M. Anderson, makes oath and says, that the matter and things set forth in the foregoing plea are true as he verily believes.

BENJAMIN M. ANDERSON.

Sworn and subscribed before me the day and year above mentioned.

H. L. BURNETT, *Judge Advocate.*

EXHIBIT D.

Plea to the jurisdiction.

UNITED STATES MILITARY COMMISSION,
Cincinnati, Ohio.

THE UNITED STATES
vs.
G. ST. LEGER GRENFELT, impleaded, &c. }

The defendant, St. Leger Grenfelt, by way of plea to the several charges and specifications against him says: that not being and never having been in the military or naval service of the United States nor in any other capacity which renders him subject to the articles of war or the jurisdiction of a military tribunal, and not having been within the lines of any military camp nor within the sphere of any military operations of any army in the field at the times of the alleged transactions in the charges and specifications mentioned, and the offences charged not being infractions of any of the articles of war, he is not amenable therefor to the jurisdiction of this military tribunal.

And this defendant further avers that he is a civilian, and was so at the times in said charges and specifications mentioned.

And this defendant further avers that the civil courts of the United States are open and wholly unobstructed, and that the administration of the laws of the United States within the said State of Illinois was at the time of the alleged commission of the offences charged, and ever since has been, and now is, unimpaired in the said courts of the United States, and which courts have full jurisdiction, power, and authority under the laws of the United States to hear and determine the matters charged against this defendant; and that he is amenable solely to the authority and jurisdiction of the circuit and district courts of the United States for the northern district of Illinois, where he can have legal process to enforce the attendance of witnesses on his behalf, and to which jurisdiction he is ready and willing to submit himself for trial at any

time for the offences alleged against him in said charges and specifications. He therefore respectfully denies the jurisdiction of this military tribunal to take cognizance of said charges against him, and especially at this place, which is beyond the territorial limits of the State where said offences are alleged to have been committed, and where he cannot have compulsory process to enforce the attendance of his witnesses, all of whom are residents of the said State of Illinois and beyond the jurisdiction of any court in the State of Ohio.

He therefore respectfully prays that this court may take no further cognizance of the matters charged, and that the same may be remitted to the courts of the United States in the within district of Illinois for trial.

G. ST. LEGER GRENFEL.

UNITED STATES OF AMERICA,

State of Ohio, City of Cincinnati :

G. St. Leger Grenfel, being duly sworn as aforesaid, says that he is the said defendant, and that he has heard the foregoing plea read, and that the same is true in substance and in fact.

G. ST. LEGER GRENFEL.

Sworn to and subscribed in my presence this 12th day of January, 1865.

H. L. BURNETT *Judge Advocate, &c.*

EXHIBIT E.

Plea to the jurisdiction.

UNITED STATES MILITARY COMMISSION,
At Cincinnati, Ohio, January 12, 1865.

THE UNITED STATES

vs.

BUCKNER S. MORRIS, impleaded, &c. }

This defendant, Buckner S. Morris, in his proper person by way of plea to the several charges and specifications exhibited against him says :

That he is not and never has been in military or naval service of the United States, nor in any other position which renders him subject to the rules and articles of war, or the jurisdiction of a military tribunal, and that he was not within the lines of any military camp, nor within the sphere of the military operations of any army in the field, at the times of the alleged transactions in the charges and specifications mentioned, and that the offences charged are not infractions of any of the rules and articles of war. Wherefore he avers that he is not amenable upon said charges to the jurisdiction of this tribunal.

And this defendant further avers that he is citizen of the United States, and a citizen and resident of the city of Chicago, in the State of Illinois, where the alleged transactions are charged to have taken place, and was so at the times in said charges and specifications set forth ; and that the civil courts of the United States at said city of Chicago are open and wholly unobstructed, and that the administration of the laws of the United States within the northern district of Illinois was at the time of the alleged commission of the offences charged, and ever since has been, and now is, unimpaired in the said courts of the United States, and which courts have full jurisdiction, power, and authority to hear and determine the said matters charged against this defendant, and that he is amenable therefor solely to the authority and jurisdiction of the courts of the United States for the northern district of Illinois, within which district the alleged offences are charged to have been committed, and where this defendant can have legal process to enforce the attendance of witnesses on his behalf, and

to which jurisdiction he is ready and willing to submit himself for trial at any time for the offences alleged against him.

He therefore most respectfully denies the jurisdiction herein of this tribunal, and asks that no further cognizance of the matters charged against him be here taken, but that the same may be hence remitted to the courts of the United States for the northern district of Illinois for trial according to law.

T. W. BARTLEY, T. M. KEY, and ROBERT HERVEY,
Of Counsel for Defendant, Buckner S. Morris.

UNITED STATES MILITARY COMMISSION,
At Cincinnati, Ohio.

THE UNITED STATES

vs.

BUCKNER S. MORRIS, impleaded, &c. }

DEPARTMENT OF THE OHIO. ss :

Buckner S. Morris, the above named defendant, maketh oath and saith that the within plea is true, in substance and fact, as he verily believes.

B. S. MORRIS.

Subscribed and sworn before me at Cincinnati aforesaid, this 12th day of January, 1865.

H. L. BURNETT,
Judge Advocate, &c.

EXHIBIT F.

Plea to the jurisdiction.

THE UNITED STATES MILITARY COMMISSION,
At Cincinnati, Ohio, January 12, 1865.

THE UNITED STATES }

vs.

R. T. SEMMES. }

The defendant, R. T. Semmes, by way of plea, says, that he is not and never has been in the military or naval service of the United States, nor in any other position which renders him subject to the rules and articles of war, or the jurisdiction of a military tribunal, and that he was not within the lines of any military camp, nor within the sphere of the military operations of any army in the field, at the time of the alleged transactions in the charges and specifications mentioned, and that the offences charged are not infractions of any of the rules and articles of war. Wherefore he avers he is not amenable upon said charges to the jurisdiction of this tribunal.

And this defendant further avers that he is a citizen of the United States, and a citizen and resident of the city of Chicago and State of Illinois, where the alleged transactions are charged to have taken place, and was so at the times in the charges and specifications set forth; and that the civil courts of the United States at said city of Chicago are open and wholly unobstructed, and that the administration of the laws of the United States within the northern district of Illinois was at the time of the alleged commission of the offences charged, and ever since has been, and now is, unimpaired in the said courts of the United States, and which courts have full jurisdiction, power, and authority to hear and determine the said matters charged against this defendant, and that he is amenable therefor solely to the authority and jurisdiction of the courts of the United States for the northern district of Illinois, within which district the alleged of

fences are charged to have been committed, and where this defendant can have legal process to enforce the attendance of witnesses on his behalf, and to which jurisdiction he is ready and willing to submit himself for trial at any time for the offences alleged against him.

He therefore most respectfully denies the jurisdiction herein of this tribunal, and asks no further cognizance of the matter charged against him be here taken, but that the same may be hence remitted to the courts of the United States for the northern district of Illinois, for trial according to law.

R. T. SEMMES.

Affidavit.

THE UNITED STATES MILITARY COMMISSION,
At Cincinnati, Ohio, January 12, 1865.

THE UNITED STATES }
vs.
R. T. SEMMES. }

DEPARTMENT OF THE OHIO, ss :

The above named defendant, R. T. Semmes, makes oath and says that the matters and things set forth in the foregoing plea are true, in substance and in fact, as he verily believes.

R. T. SEMMES.

Sworn to and subscribed before me the day and year above mentioned.

H. L. BURNETT,
Judge Advocate.

EXHIBIT G.

Plea to the jurisdiction.

THE UNITED STATES MILITARY COMMISSION,
At Cincinnati, Ohio, January 12, 1865.

THE UNITED STATES }
vs.
G. E. CANTRILL. }

The defendant, G. E. Cantrill, now comes in his own proper person and by way of plea says, that he is not now, and was not at the time of the transactions complained of in the charge and specifications, in the land or naval service of the United States, nor in the militia when in actual service in time of war or public danger, nor in any other position which renders him subject to the rules and articles of war or the jurisdiction of a military tribunal, and that the offences charged are not infractions of any of the rules and articles of war. Wherefore he avers he is not amenable upon said charges to the jurisdiction of this tribunal.

And the defendant further avers that he is a citizen of the United States, and was temporarily residing in the city of Chicago, in the State of Illinois, at the time of the alleged commission of the acts charged against him. He says that the civil courts of that State and federal judicial district are open and wholly unobstructed; that the latter are vested with full jurisdiction of the matters complained of herein; that he is amenable to the process thereof, and ready to submit himself thereto, and is entitled to the compulsory process thereof in aid of his defence.

Wherefore he most respectfully denies the jurisdiction of this tribunal in the

premises, and requests that no further cognizance of the same be taken here, but that the same may be remitted to the courts of proper jurisdiction in the State of Illinois for such action as may be deemed proper by them.

GEORGE E. CANTRILL.

Sworn to and subscribed in my presence this 12th day of January, 1865.

EXHIBIT H.

Plea.

THE UNITED STATES MILITARY COMMISSION,
At Cincinnati, Ohio, January 12, 1865.

THE UNITED STATES }
vs.
CHARLES TRAVIS DANIEL. }

The defendant, Charles Travis Daniel, by way of plea to the several charges and specifications exhibited herein against him, says: That he is a soldier of the army of the Confederate States, so called, being a private of company C, fourteenth regiment Kentucky cavalry, in said army, and as such was captured and made a prisoner of war by the military forces of the United States, and that he has never been exchanged or otherwise discharged as a prisoner of war by the military authorities of the United States.

Wherefore, this defendant claims the right of a prisoner of war, and insists that, as such, he is not subject to the jurisdiction of this tribunal upon the several charges and specifications exhibited against him.

And this defendant further avers that the civil courts of the United States in the northern district of Illinois, within which district the alleged offences are charged to have been committed, are and have heretofore uniformly been open and unobstructed, and the administration of the laws of the United States therein unimpaired. Wherefore the defendant insists that if he is amenable to any tribunal for the said transactions charged against him, it is to said courts of the United States, and not to this military commission, to whose jurisdiction to hear and determine his guilt or innocence on the said charges and specifications, he respectfully alleges his objection.

By T. M. KEY and T. W. BARTLEY,
Defendant's Attorneys.

Affidavit.

THE UNITED STATES MILITARY COMMISSION,
Convened at Cincinnati, Ohio, January 12, 1865.

THE UNITED STATES }
vs.
CHARLES TRAVIS DANIEL. }

The defendant in the above-entitled case, Charles Travis Daniel, makes oath and says that the several matters and things set forth in the foregoing plea are true, in substance and in fact, as he verily believes.

CHARES TRAVIS DANIEL.

Sworn and subscribed before me this 15th day of January, 1865,

H. L. BURNETT,
Judge Advocate.

COURT-ROOM, CINCINNATI, OHIO,
January 13, 1865—11 o'clock a. m.

The commission met pursuant to adjournment. All the members present; also the judge advocate, the accused, and their counsel.

The proceedings were read and approved.

The accused, Buckner S. Morris, Charles Travis Daniel, R. T. Semmes, and Benjamin M. Anderson, through their counsel, then submitted the following argument in support of their pleas to the jurisdiction of the commission, said argument, marked I, hereto attached and made part of this record.

The accused, Charles Walsh and G. St. Leger Grenfel, through their counsel, then submitted the following argument in support of their pleas to the jurisdiction of the commission, said argument, marked J, hereto attached and made part of this record.

The commission then adjourned to meet on Monday, January 16, 1865, at two o'clock p. m.

EXHIBIT I.

HEADQUARTERS OF THE DEPARTMENT OF THE OHIO,
Cincinnati, Ohio, January, 1865.

THE UNITED STATES }
vs. } Military commission.
BUCKNER S. MORRIS. }

On charges preferred by the judge advocate, of a conspiracy against the authority of the United States, and to set on foot an insurrection at and about the city of Chicago, Illinois—

The defendant, appearing by his counsel, objects to the authority and jurisdiction of this court, and asks that his case may be turned over to the United States courts of the northern district of Illinois for investigation and adjudication, according to the forms of the Constitution and laws of the country. And in support of his plea to the jurisdiction of this tribunal, the defendant assigns the following grounds, to wit:

1st. That the civil courts of the United States in the northern district of Illinois are now, and heretofore have uniformly been open, and wholly unobstructed in the administration of justice, and their loyalty and fidelity in administering the laws and upholding the authority of the United States unquestioned and unquestionable. And this defendant, not being nor having been in the military or naval service of the United States, nor in any other position which subjected him to the rules and articles of war, or the authority of a military tribunal, is amenable solely, if amenable at all, on the charges and specifications herein preferred, to the authority and jurisdiction of the United States courts of the northern district of Illinois, where justice can be administered impartially, and according to the laws of the land, and where the accused can, by legal authority, require the attendance of witnesses on his behalf, and have an opportunity of testing the veracity and credibility of the witnesses against him, by a fair cross-examination.

2d. That the offences set out in the charges and specifications being admitted not to be infractions of any of the rules and articles of war, and clearly and unquestionably falling within the provisions of the act of Congress of July, 1861, providing for the punishment of seditions and piracies against the authority of the United States in the civil courts alone, this tribunal cannot have a concurrent or conflicting jurisdiction to hear and determine the same. And as it is admitted that this tribunal cannot try the accused for any violations of either the rules or articles of war, or any criminal statute; and as the charges preferred

come distinctly within the provisions of the law of Congress mentioned, this tribunal cannot legally take cognizance of the case.

3d. That the second section of the act of Congress of the 3d of March, 1863, authorizing arrests by the military authorities, has expressly and imperatively required, that, in all such cases of arrest as that of this defendant by the military power, in States where the administration of the laws of the United States in the federal courts is unimpaired, the persons arrested shall be turned over to the civil courts of the United States for prosecution by indictment and trial according to law. And the proceeding before this tribunal in this case is directly and palpably in derogation of this law of Congress.

4th. It is conceded that this military commission is not authorized or provided for by the Constitution or any law of Congress, or by the rules or articles of war, and that it has no authority to try any case cognizable by a court-martial, or which can be tried in the civil courts of the country, nor is there any law, usage or custom prescribing what punishment, if any, shall be inflicted by this court, but this tribunal is claimed to be an incident of the war power, and to be founded in the usage and custom of war. It is confidently asserted, however, on behalf of the defendant, that the authority of this tribunal, which has never had the sanction of the laws of this country, is wholly unwarranted by any usage or custom of war, except with the army in the field, when removed far beyond the sphere and jurisdiction of the civil tribunals. Benét, a recent author on military law, says, on pages 15 and 16 of his work, "civil offences cognizable by civil courts, whenever such legal courts exist, will not be tried by a military commission. It should, therefore, be stated in every application for a commission, whether or not there is any loyal civil court to which the civil offence charged can be referred for trial." It cannot be claimed that a military commission is a matter of necessity where civil courts, whose loyalty and fidelity are unquestionable, are in full operation and wholly unimpeded. It will not do to say, in this case, that the military authority of the United States is not the authority of the United States, and that, therefore, a conspiracy to resist the military authority, in a place where the civil courts are loyal and unobstructed, would not be a conspiracy to resist the authority of the United States, within the plain language and intent of the act of Congress first above mentioned. And it will not do to supersede the civil courts of the country by military commissions on the alleged inefficiency of the civil tribunals. The civil authorities can bring to their aid all the military power of the country; and after the interposition of the military power of its own accord, and the suppression of a riot or insurrection the law of Congress requires that the persons arrested should be turned over to the civil courts for trial and punishment.

5th. That this tribunal, from the nature of its organization and its peculiar mode of proceeding, is in conflict with the provisions of the Constitution and laws of this country, which guarantee to every man a fair and impartial trial. Without intending the slightest disrespect or want of due courtesy to the learned and able judge advocate, acting in this case, or to any member of this court, the defendant begs leave to state his objections to the nature of the constitution of this tribunal itself. The judge advocate stands as the accuser, the public prosecutor, and the judge to advise and instruct the court on all questions of law, to conduct the trial, prescribe the manner in which the defendant's counsel shall interrogate witnesses, and be allowed to argue the case, having himself the right of reply, and then retiring with the court to advise and instruct in the making of the decision. Before he prefers the charge, he must be presumed to have made up his mind as to the guilt or innocence of the accused. It is, therefore, substantially a trial not only at the instance of, and before the accused, but before a judge who has prejudged the case. Far better let the judge who presides on the trial of a criminal case before a jury act the part of the public prosecutor, and accompany the jury in their retirement to advise with and instruct them in

making up their verdict, than this mode of trial, for here the judge advocate originates the charges, and must be presumed to have prejudged the case. However high the judge advocate may stand for probity, learning, and honorable bearing, all of which is conceded to the honorable gentleman appearing as judge advocate in this case to a very high degree, the very nature of his position, which gives him the directing and controlling power on the trial, precludes the possibility of impartiality, and such a fair and impartial trial as that which is required by the fundamental laws of the country. Certainly the denial of a perfectly fair and impartial trial cannot be said to be necessary to preserve the life of the nation, which was founded on institutions intended to secure impartial justice, equality, and fairness to every man.

EXHIBIT J.

Points suggested by Charles Walsh and G. St. Leger Grenfel, in support of their plea to the jurisdiction.

I. This is a court of limited jurisdiction.

Ordinarily, it will be admitted, it can try only such persons as are amenable to military law, as soldiers, sailors, spies, army followers, &c.

II. It is claimed that under certain circumstances it may try civilians.

Admitting this power to exist, the inquiry is important what condition must exist to give it jurisdiction to try a civilian.

a. If by reason of the existence of an armed insurrection, the courts of law are obstructed and powerless, and the military have actual possession of a place and have assumed the administration of justice, then the laws of war and the act of Congress would seem to give authority to a military commission to hear and determine legal charges against a civilian. The court would then perhaps meet the condition which it is claimed gives it birth—the necessity; it is born and lives and breathes on necessity, and when the necessity ceases it dies.

The defendants are civilians only, and as such, are charged with specific offences.

I. The acts they are charged with having conspired to do, if they had committed, would sustain a charge of treason.

Foster, one of the most noted writers on treason, says:

“The joining with rebels in an act of treason will make a man a traitor.”

To furnish food and shelter to the nation's enemy, under certain circumstances, have been held to be “overt acts.”

Surely, to release 8,000 rebel prisoners, to seize a stronghold of the government, to sack a city, are acts that would support an indictment for treason.

II. These charges come within the act of ———, 1861.

It will be conceded that, ordinarily, these persons and these offences are not within the jurisdiction of a military commission. The statute that defines the offence provides the tribunal, and fixes the penalty.

This court is not indicated by the statute, but the circuit and district courts of the United States are given sole jurisdiction to try such charges.

And here it may be well for us to turn to the writings of one whose name to every true patriot and soldier of the American army will always be cherished as that of a soldier and patriot—Winfield Scott.

(See Scott's Autobiography, page —.)

Admitting that the necessity may arise, the question becomes important, does it exist, and has this court from necessity such a legal existence as clothes it with power to hear and determine these charges?

The pleadings aver, and the fact is, the courts of the United States in the northern district of Illinois are open and the administration of justice unimpeded

therein. While we are sitting here, criminals, violators of the federal statutes, are being tried for offences committed before and since the arrest of these defendants. The mere fact of a military post being in or near a city does not create the condition, nor does the having at such post a large body of military prisoners, neither does the existence of an armed insurrection in one of the States, or in a portion of a State, create the necessity.

The insurrection must be such as to impede the administration of justice and close the courts to her claims, and thereby coupled with a military occupation: then and then only does the condition exist that it is claimed gives birth to these commissions, and authorizes them to take authority and render judgment.

This, then, is an end to the claim for jurisdiction on the ground that it is necessary.

To the state of facts actually existing the statute of ———, 1863, is applicable, and would seem to act as an ouster of the claim set up for this court.

A grave question arises in this case, admitting that it has jurisdiction to proceed to hear and determine, as to its right to do so in this place.

Chief Justice Marshall in the "Burr case" uses this language: "It would, too, be extremely dangerous to say that because the prisoners were apprehended not by a civil magistrate, but by the military power, there could be given by law a right to try the persons so seized in any place which the general might select, and to which he might direct them to be carried."

The answer to our plea, it is claimed, is found in this: This commission has been directed by military superiors to assemble at this place and try charges to be preferred against these defendants, and that it has no election, but must proceed. The reply is easy. You are called to try such legal charges as you have jurisdiction of after they are legally preferred, and none other; therefore, gentlemen of the commission, the defendants most respectfully submit that you have no jurisdiction to proceed and try them at this place on the charges to which they have filed their pleas.

COURT ROOM, CINCINNATI, OHIO,

January 16—2 o'clock p. m.

The commission met pursuant to adjournment.

All the members present except Colonel Charles D. Murray; also present the judge advocate and assistant counsel, the accused and their counsel. The presence of Colonel Murray, president of the commission, was waived by all the accused; and the accused consented, in open court, that the judge advocate should proceed with his reply, and that Colonel Murray should take his seat on his arrival.

The judge advocate commenced his reply, in answer to the argument of counsel for the accused, on the jurisdiction of the commission; when, pending the delivery of the reply, Judge Bartley, counsel for the accused, rose, with the consent of the court, to a point of order, on the ground that the judge advocate was proceeding in his argument on the assumption that the accused were guilty. As far as the question of jurisdiction was concerned, the accused contended that they had simply stated their position, without argument, and that it would have been but fairness on the part of the judge advocate had he apprised the accused what would be the course taken by him, so that his position might have been known. The counsel for the accused had made their argument brief, and had avoided going into the merits of the case; whereas the judge advocate was entering into an elaborate argument on the merits of the case, as though the evidence had already been submitted.

The judge advocate replied that there had been no suggestion on the part of the government, that the argument of the accused on jurisdiction should be

limited in any respect whatever. The accused were called upon to submit their argument when they were ready. No precise course was prescribed, and no haste or urgency in any way insisted on. The only suggestion on the part of the government was, that the argument of the accused should be in writing, and, with this exception, they were restricted in no way whatever. The counsel for the accused argued their case as they chose, and the reply on the part of the government was such as his (the judge advocate's) judgment deemed best for the interests of the government.

It was a singular position for the accused to maintain before the commission, that the judge advocate could not argue the question of jurisdiction upon the assumption that the facts set forth in the charges and specifications were true. That was the only manner in which the argument could be consistently made.

The accused themselves were not permitted to put in their plea to the jurisdiction, in any form, that made an issue of fact with these charges and specifications; and their arguments, as much as the judge advocate's, were bound to go upon the hypothesis that the facts set out in the charges and specifications were true. The claim that this was an unfair mode of arguing the question of jurisdiction, the judge advocate thought, would be regarded as a novel position by any lawyer in the land.

Without taking any action the commission adjourned to meet on Tuesday, January 17, at half past 10 o'clock a. m., to resume the argument of the judge advocate.

EXHIBIT K.

Judge Advocate's reply.

COURT-ROOM, CINCINNATI, OHIO,

January 17, 1865—10½ a. m.

The commission met pursuant to adjournment. All the members present; also the judge advocate, and the assistant counsel; also the accused and their counsel.

The proceedings were read and approved.

The judge advocate resumed the reading of his reply to the argument of the counsel for the accused, on the jurisdiction of the commission.

Pending the reading of the reply of the judge advocate, T. W. Bartley, counsel for the accused, Morris, Semmes, Anderson, and Daniel, said he desired to correct a misapprehension under which the judge advocate seemed to labor, in regard to the position taken by the counsel for the accused; their opposition was not to the legality of the arrests, but to the tribunal before which the accused were to be tried. The military power, it was conceded, might interfere under the emergency of the circumstances and make the arrests; but it was claimed that the act of Congress of 1863 provides that when these arrests are made by the military, the parties should be handed over to the civil tribunals, where the civil courts are open and unobstructed, and the administration of the laws unimpaired.

The judge advocate here inquired if the accused admitted that the arrest of the accused was legal and proper on the part of the authorities making the arrest.

The counsel for the accused replied, the evidence not being in, the accused have neither to admit nor deny any immaterial matter outside the issue. The accused were not prepared to say, at this stage of the proceedings, whether the arrests were legal or illegal. If there was a state of war, a conspiracy which the civil authorities could not control, the military authorities had the right to interfere to aid the civil authorities; and it was conceded that the military authorities might, under the emergency of the case, have acted on their own

accord; but that did not decide the question of jurisdiction, nor did the act of the military authorities supersede the civil tribunals while their functions remained unimpaired.

The judge advocate, in reply, said that his purpose had been to show the ground on which the jurisdiction of this commission was based, and to expound the law and the reason of such jurisdiction. He had shown that the military authorities not only had the right to seize these parties, but that this commission had the right to try these accused on the charges and specifications. With respect to the act of Congress of 1863, he had only to say that martial law had suspended it throughout the country *so far as this class of offenders was concerned*. It had been shown that the President had the authority to issue the proclamation referred to, and the opinions of the most eminent statesmen and jurists had been quoted in support of the action of the President. It had further been shown by citations from Wheaton that martial law obtained throughout the United States and the Territories during the continuance of the war.

The judge advocate then resumed and completed the reading of his reply to the arguments of the accused on the jurisdiction of the commission, said reply, marked K, hereto attached and made part of this record.

The counsel for the accused, George Cantrill, said he desired, on his behalf and in support of the plea to the jurisdiction of the commission, to say that he did *not* admit the legality of the arrests.

The counsel for the accused, Morris, Semmes, Anderson, and Daniel, submitted a motion, marked L, hereto attached and made part of this record.

The court was then cleared for deliberation as to whether the commission would now determine the question of jurisdiction.

On the court being reopened, the judge advocate announced that the commission had decided in the affirmative, and overruled the motion.

A member of the court then moved that the counsel for the accused be now permitted to prepare and submit their argument on the question of jurisdiction, in reply to the judge advocate.

The court was then cleared for deliberation.

On being reopened the judge advocate announced that the motion had been sustained, and that, as a matter of courtesy, but not of right, the accused might go forward with their argument in reply to the judge advocate.

The counsel for Marmaduke desired to say that he did not propose to make any reply to the argument of the judge advocate.

A plea to the jurisdiction of the commission had been presented on behalf of the accused whom he, with his colleague, represented, which was for the purpose of being presented on the final reviewing authorities in the case.

The counsel for Morris, Semmes, Anderson, and Daniel desired to state that they did not desire at this time to make any reply to the argument of the judge advocate. In case the plea of the accused should be overruled, they desired to be heard in the final review.

The counsel for Cantrill thanked the commission for the permission to reply to the judge advocate, but declined availing himself of the privilege.

The counsel for Walsh and Grenfel did not desire, at this stage of the proceedings, to make any reply to the argument of the judge advocate; but desired, in the progress of the case, to move the court to be permitted to reply to the judge advocate, as was the usage of law which prevailed in civil courts.

The court was then cleared for deliberation on the question of jurisdiction.

On the court being reopened, the judge advocate announced to the accused that this commission would proceed to try the cases now at bar, and had overruled the pleas of the accused to the jurisdiction of the commission.

The commission then adjourned to meet on Wednesday, January 18th, at eleven o'clock a. m., the same hour of commencement to be adhered to hereafter.

EXHIBIT L.

MILITARY COMMISSION ROOM,
Cincinnati, January 17, 1865.

May it please the commission :

I address myself to the commission on behalf of the defendants, Morris, Semmes, Anderson, and Daniel, and with the concurrence of the other defendants, acting by their counsel, to suggest, and move the commission for an order overruling *pro forma* the pleas presented to its jurisdiction, and reserving the decision of the questions therein presented until the cases are terminated and under final consideration. The judge advocate has presented to the commission an argument in support of its jurisdiction, more bold and elaborate than any which I have seen or heard upon this, or any kindred, assertion of governmental power. It is the result of long, careful, and previous preparation, and is largely extraneous as to many matters not in issue, and it necessarily, especially as the cases now stand, places the defence at a disadvantage.

The question whether a military commission can be organized in loyal States while the civil courts exist unobstructed, and proceed to the trial of persons in civil life, presents issues of the deepest interest to all prisoners, of the highest importance to all citizens, and of the gravest public moment. As a question of national jurisprudence and civil liberty, it rises to a magnitude far beyond that of the fate of individual parties; it demands from the commission the most mature deliberation. The postponement of the subject will be in strict accordance with the rules of legal procedure. Whenever any court, at any time before final judgment, becomes satisfied of its want of jurisdiction, the proceedings instantly cease. And it is not anticipated by the defence that this commission will, upon final hearing, refuse to listen to any respectful protest or appropriate argument against the validity of its organization or the lawfulness of its authority. In addition to the present condition of this trial, it is quite certain that matters developed in evidence will involve issues of law and fact as to whether the proofs claimed to have been made bring the parties within the scope of the authority claimed by the judge advocate to be properly vested in this tribunal.

It is respectfully submitted that the postponement of the whole subject to the close of the trial will expedite the action of the commission, guard the rights of the accused, and subserve the public welfare. I respectfully urge upon the commission that if in fact it does not possess jurisdiction over the prisoners, or any of them, upon the accusations made against them, no order directing its organization, or prescribing its authority, possesses either binding force or protective power. It will be admitted by the judge advocate that the action of the commission should be so deliberate as to carry with it every assurance as to the authority of the tribunal, as well as the completeness of the proof.

T. M. KEY.

MILITARY COMMISSION,
Cincinnati, Ohio, January 18, 1865.

Charges and specifications preferred against Charles Walsh, Buckner S. Morris, Vincent Marmaduke, R. T. Semmes, Charles T. Daniel, George E. Cantrill, G. St. Leger Grenfel, and Benjamin M. Anderson.

CHARGE I.—Conspiring, in violation of the laws of war, to release the rebel prisoners of war confined by authority of the United States at Camp Douglas, near Chicago, Illinois.

Specification.—In this: that the said Charles Walsh, Buckner S. Morris, Vincent Marmaduke, R. T. Semmes, Charles Travis Daniel, George E. Cantrill—separate trial, G. St. Leger Grenfel and Benjamin M. Anderson—did unlawfully and secretly conspire and agree, among themselves and with one Captain Hines, so called, *alias* Doctor Hunter, of the confederate army, and others, in violation of the laws of war, to release the rebel prisoners of war then confined by authority of the United States, at Camp Douglas, near Chicago, Illinois, numbering between eight and nine thousand persons, by suddenly attacking said camp, on or about the evening of the eighth of November, anno Domini eighteen hundred and sixty-four, with a large number of armed men, overpowering the guard and forces then and there stationed and on duty, seizing the cannon and arms in the possession of said guard and forces, for the purpose of guarding and defending said camp, forcibly opening the gates of said prison camp, and removing all obstructions to the successful escape of said prisoners confined within its limits.

This, at or near Chicago, in the State of Illinois, within the military lines and theatre of military operations of the army of the United States, at a period of war and armed rebellion against the authority of the United States, and on or about the first day of November, anno Domini eighteen hundred and sixty-four.

CHARGE II.—Conspiring, in violation of the laws of war, to lay waste and destroy the city of Chicago, Illinois.

Sepecification.—In this: that they the said Charles Walsh, Buckner S. Morris, Vincent Marmaduke, R. T. Semmes, Charles Travis Daniel, George E. Cantrill, G. St. Leger Grenfel and Benjamin M. Anderson, did unlawfully and secretly conspire and agree among themselves and with one Captain Hines, so called, *alias* Doctor Hunter, of the confederate army, and others, in violation of the laws of war, to lay waste and destroy, on or about the evening of the eighth of November, anno Domini eighteen hundred and sixty-four, the city of Chicago, Illinois, by capturing the arsenal in said city, cutting the telegraph wires, burning the railroad depots, taking forcible possession of the banks and public buildings, and leaving the city to be sacked, pillaged, and burned by the rebel prisoners of war confined at Camp Douglas, near Chicago, Illinois, which prisoners were to be forcibly released by them, on or about the date above mentioned.

This at or near Chicago, in the State of Illinois, within the military lines and theatre of military operations of the army of the United States, at a period of war and armed rebellion against the authority of the United States, and on or about the first day of November, anno Domini eighteen hundred and sixty-four.

HENRY L. BURNETT,

Judge Advocate Department of the Ohio and Northern Department.

The accused Charles Walsh, having heard read the above charges and specifications, pleaded as follows:

To the specification, not guilty.

To the first charge, not guilty.

To the specification, not guilty.

To the second charge, not guilty

The accused Buckner S. Morris, having heard read the above charges and specifications pleaded as follows:

To the specification, not guilty.

To the first charge, not guilty.

To the specification, not guilty.
To the second charge, not guilty.

The accused Vincent Marmaduke, having heard read the above charges and specifications, pleaded as follows:

To the specification, not guilty.
To the first charge, not guilty.

To the specification, not guilty.
To the second charge, not guilty.

The accused R. T. Semmes, having heard read the above charges and specifications, pleaded as follows:

To the specification, not guilty.
To the first charge, not guilty.

To the specification, not guilty.
To the second charge, not guilty.

The accused Charles T. Daniel, having heard read the above charges and specifications, pleaded as follows:

To the specification, not guilty.
To the first charge, not guilty.

To the specification, not guilty.
To the second charge, not guilty.

The accused George E. Cantrill, having heard read the above charges and specifications, pleaded as follows:

To the specification, not guilty.
To the first charge, not guilty.

To the specification, not guilty.
To the second charge, not guilty.

The accused G. St. Leger Grenfel, having heard read the above charges and specifications, pleaded as follows:

To the specification, not guilty.
To the first charge not guilty.

To the specification, not guilty.
To the second charge, not guilty.

The accused Benjamin M. Anderson, having heard read the above charges and specifications, pleaded as follows:

To the specification, not guilty.
To the first charge, not guilty.
To the specification, not guilty.
To the second charge, not guilty.

Robert Hervey presented a motion for a separate trial, and accompanying affidavit, on behalf of the accused Buckner S. Morris; said motion and accompanying affidavit, marked M, hereto attached and made part of this record.

R. S. Wilson presented a motion for separate trial, and accompanying affidavit of the accused, Charles Walsh; said motion and accompanying affidavit marked N, hereto attached and made part of this record.

Thomas A. Logan made a motion for a separate trial, on behalf of the accused George Cantrill, on the ground of the acknowledged physical disability of the accused.

James O. Brodhead presented a motion for separate trial, and accompanying affidavit, for the accused Vincent Marmaduke, said motion and affidavit, marked O, hereto attached and made part of this record.

T. W. Bartley presented a motion for a separate trial, and accompanying affidavit, on behalf of the accused Benjamin M. Anderson; said motion and affidavit, marked P, hereto attached and made a part of this record.

The same counsel presented a motion for a separate trial, and accompanying affidavit, on behalf of R. T. Semmes, said motion and affidavit, marked Q, hereto attached and made part of this record.

The same counsel presented a motion for separate trial, and accompanying affidavit, on behalf of the accused Charles Travis Daniel, said motion and affidavit, marked R, hereto attached and made part of this record.

The court was then cleared for deliberation on the question of severance of trial. On being reopened the judge advocate announced to the accused that the application for severance on the part of George E. Cantrill was granted, on ground of his evident inability to be present during the progress of the trial; and with respect to all the other accused the commission had overruled their motions, and that their trials would proceed jointly.

J. O. Brodhead, counsel for Vincent Marmaduke, then moved, on behalf of all accused, to be furnished with a list of the witnesses to be called on the part of the government in the trial of these cases.

The judge advocate stated that the reason why the custom usually observed of furnishing the accused with a list of the witnesses to be used against them had not been complied with in this case was, that some of the witnesses had stated that their lives would be in jeopardy by so doing.

The court was then cleared for deliberation. On being reopened the judge advocate announced to the accused that the commission had decided that the judge advocate should furnish the accused with a list of witnesses, so far as in his judgment it would not interfere with the interests of the service; but believing it to be a matter within his discretion, they declined to make any order in the premises.

The judge advocate further announced that he would by to-morrow be prepared to furnish a list of such witnesses as he deemed it expedient to present.

The commission then adjourned to meet on Thursday, January 19, 1865, at 11 o'clock a. m.

EXHIBIT M.

UNITED STATES MILITARY COMMISSION,
At Cincinnati, January 18, 1865.

THE UNITED STATES
vs.
BUCKNER S. MORRIS, impleaded, &c. }

And now at this day comes the said defendant Buckner S. Morris, and the above-named defendants, by his counsel, and respectfully moves this honorable court for a separate trial of this defendant, on the charges and specifications exhibited against him and his confederates, on ground and for the reasons disclosed in the affidavit of this defendant filed with this motion.

T. W. BARTLEY,
T. M. KEY,
ROBERT HERVEY,
Counsel for Defendant, B. S. Morris.

UNITED STATES MILITARY COMMISSION,
At Cincinnati, Ohio.

THE UNITED STATES
vs.
 BUCKNER S. MORRIS, and others. }

DEPARTMENT OF THE OHIO:

Buckner S. Morris, of Chicago, in the State of Illinois, now a prisoner at McLean barracks in the city of Cincinnati, in the department of the Ohio, being first duly sworn, maketh oath and saith that he is one of the above defendants against whom certain charges and specifications have been exhibited, and which are now in course of prosecution before this court, against this deponent and his co-defendants, charging them with a conspiracy to release the rebel prisoners of war confined at Camp Douglas, near Chicago, by the authority of the United States, and with a conspiracy to sack and burn the said city of Chicago.

This deponent on his oath says, that he is entirely innocent of each and all of the matters alleged against him in the said charges and specifications; and never heard of any such conspiracy or project as set forth therein, or of any other unlawful combination or confederacy of a kindred character, until this defendant was arrested by the military authorities of the United States, and charged with being a party to some such enterprise, on the night of the seventh day of November last.

This deponent further saith, that the great majority of his confederates were entire strangers to him at the time of his arrest, and that he had never had any intercourse with them on any subject whatever, previous to that time.

That those of the said defendants with whom this deponent then had some slight personal acquaintance were only known to him as fellow-citizens of Chicago, but that he never at any time had any intercourse with them on the subject of the alleged offences, nor with any of them, nor with any other person on their behalf, nor in any other way or manner whatsoever, with any human being on earth.

And this deponent further saith that he has been a resident of Chicago for nearly thirty years, and is now sixty-four years of age; that he has held various offices of trust, honor, and emolument in the gift of the citizens of Chicago and Cook county, having been mayor of the said city, and judge of the circuit court of Cook county.

That nearly all the property said deponent owns is situated in Chicago, and the value thereof is quite considerable, and which this deponent submits to this honorable commission it is in the highest degree improbable that this deponent would conspire to subject to the torch of the incendiary, or the incursions of the robber and the burglar.

That this deponent never thought of such an act, never entertained such an idea, nor was any proposition or hint of any such projects ever directly or indirectly communicated to this deponent by mortal man; and had there been, this deponent on his oath says, that he would have been the first person to convey information thereof to the proper authorities.

And this deponent further saith, that this honorable court having decided that it has jurisdiction to try the offences charged, this deponent is ready to be tried separately on said charges and specifications; on which separate trial (if allowed) evidence of anything said or done by this deponent having pertinency to the alleged charges can be given against him; but this deponent respectfully but firmly objects to being tried jointly with the other defendants, as he seriously apprehends that he will be greatly embarrassed and prejudiced in his defence by the admission in evidence against him of the acts and declarations of other

parties with regard to whose proceedings (if any such there were) this deponent was entirely and totally ignorant.

B. S. MORRIS.

Sworn and subscribed to before me at Cincinnati, this 18th day of January 1865.

H. L. BURNETT, *Judge Advocate.*

UNITED STATES OF AMERICA, *State of Ohio, Cincinnati.*

UNITED STATES

vs.

CHARLES WALSH, JR., impleaded, &c. }

Before military commission now sitting in said city :

Charles Walsh being duly sworn, deposes and saith that he is one of the defendants in said cause, and that, being entirely innocent of the charges herein made against him, his defence stands upon different grounds from the other defendants, and to a great extent would be embarrassed by a joint trial with those with whom he stands charged. He therefore prays that a separate trial may be granted to him by this honorable court.

CHARLES WALSH.

Sworn to before me and subscribed in my presence this 18th day of January.

H. L. BURNETT, *Judge Advocate.*

UNITED STATES

vs.

VINCENT MARMADUKE. }

Vincent Marmaduke respectfully asks that he may have a separate trial of the matters and things alleged against him, for the reasons set forth in the accompanying affidavit.

VINCENT MARMADUKE.

UNITED STATES

vs.

VINCENT MARMADUKE, and others. }

Vincent Marmaduke, one of the prisoners charged, on his oath says, that he has had no consultation, agreement, or understanding with the other persons charged, or any one of them, in reference to the matters alleged against them; that he is innocent and ignorant of any combination or conspiracy to do the acts charged against the said parties; that he is a citizen of Missouri, and when on his way home from a trip to Europe was taken sick, and while undergoing medical treatment was arrested under charges of which he avers that he is entirely innocent; fears that he may be prejudiced by the introduction of testimony against others with whose acts he was in nowise connected, and, therefore, asks a separate trial of his case.

VINCENT MARMADUKE.

Subscribed in my presence and sworn to before me this 18th day of January 1865.

H. L. BURNETT, *Judge Advocate.*

MILITARY COMMISSION AT CINCINNATI, OHIO,

January 18, 1865.

THE UNITED STATES }
vs.
 R. T. SEMMES. } Motion.

This defendant respectfully moves the commission for a separate trial on his behalf, on the several charges and specifications exhibited herein against him, for the reasons assigned in the affidavit hereto attached.

T. M. KEY,
 T. W. BARTLEY,
His Attorneys.

MILITARY COMMISSION, CINCINNATI, OHIO,

January 19, 1865.

UNITED STATES }
vs.
 R. T. SEMMES. }

The defendant above named makes solemn oath and says, that he is twenty-two years of age; that he is a native of Maryland, and is now a citizen and resident of Chicago, Illinois; that he is the son of S. M. Semmes, now and for many years past a lawyer at Cumberland, Maryland, and well known as a friend of the Union, and a supporter of the government of the United States; that at the breaking out of the rebellion, affiant was a law student, and so continued until he graduated at the law school of Yale College, Connecticut, in July, 1863; that in February, 1864, he located in Chicago for the purpose of practicing his profession, and continued there so engaged until his arrest on the 16th day of November last. Affiant states that he has never been connected in any manner whatever with the existing rebellion, or engaged in any way in any military operations or conspiracy against the government of the United States.

He further says, that at the time of his arrest he had no acquaintance with nor any knowledge whatever of his co-defendants, except defendants Morris, Walsh, and Marmaduke; that with said defendants last named his acquaintance was slight, never having had any private or confidential conversation or communication with either; that when the first arrests were made on the 7th of November, the affiant had never heard of any such suspected plot as is charged against him, or of any other plot or conspiracy at Chicago against the authority of the United States, or of any other plot or conspiracy elsewhere, except from vague rumors, and affiant did not believe that such existed anywhere within the free States. Affiant states, that he is wholly innocent and ignorant as to the matters charged against him; that his only plan of life was to practice his profession in Chicago, and that nothing could have induced him to engage in a conspiracy so wicked and foolish, and which under all circumstances would have been so ruinous to himself. Affiant believes, that if he should be allowed a separate trial, the judge advocate would soon become convinced of his innocence, and would cause him to be restored to his liberty. Affiant finally says that the arrests of his co-defendants made at Chicago took place on the 7th of November; that his arrest did not take place until the 16th; that he remained in said city during said interval, and that had he been conscious of any complicity in any such matters as those charged against him, he could easily have made his escape.

R. T. SEMMES.

Sworn and subscribed in open commission.

H. L. BURNETT, *Judge Advocate.*

COURT-ROOM, CINCINNATI, OHIO,
January 19, 1865—11 o'clock a. m.

The commission met pursuant to adjournment. All the members present except Colonel Benjamin Spooner; also present the judge advocate and the assistant counsel; also the accused and their counsel.

Colonel Spooner being absent, the accused consented, in open court, that the record of yesterday's proceedings should be read, and that Colonel Spooner should, on his arrival, take his seat upon the commission.

The proceedings were read and approved. The judge advocate here furnished the accused with a partial list of witnesses to be used by the government in these cases, as follows: John T. Shanks, C. C. Straun, Lieutenant Colonel L. C. Skinner, Ed. C. Waller, Willis Bledsoe, Louis C. Morrison, Morris Langhorn, W. M. Hull, Obadiah Jackson, Wm. P. Comstock, W. C. Walsh, Frederick A. Cooper, and G. W. Hull.

The commission then adjourned to meet on Friday, January 20, at 11 o'clock a. m.

COURT-ROOM, CINCINNATI, OHIO,
January 20, 1865—11 o'clock a. m.

The commission met pursuant to adjournment. All the members present; also the judge advocate and the assistant counsel, the accused, and their counsel.

The proceedings were read and approved. The judge advocate then read the following communication:

"HEADQUARTERS NORTHERN DEPARTMENT,
" *Cincinnati, Ohio, January 19, 1865.*

"MAJOR: The major general commanding the department is informed that the military commission convened in this city to try the Chicago prisoners was compelled to suspend its proceedings from the absence of one of its members. If this has been the case, the major general commanding desires that you will ascertain and report the name of the officer, the cause of his absence, and by what authority he left this city while ordered here to duty from these headquarters.

"I am, major, very respectfully, your obedient servant,

"C. H. POTTER,

" *Assistant Adjutant General.*"

"Major H. L. BURNETT, *Judge Advocate,*

" *Department of the Ohio and Northern Department, Cincinnati, Ohio.*"

J. O. Brodhead, esq., counsel for Marmaduke, moved, on the part of all the accused, that the publication of the testimony in this case be excluded from the public papers until all the witnesses have testified.

The judge advocate said: The ordinary rules governing a military tribunal are the same as those of a United States civil court; that is, the doors are naturally open, unless for some obvious reason they are closed. It is customary while a witness testifies that the other witnesses withdraw. One of the chief aims in a prosecution of this kind is the development to the people generally of offences, if they exist, that the sentence may be a terror to evil-doers; they are public facts, of which the country should have the benefit. If the accused are innocent, the public should have the benefit of knowing it. They have been charged with these offences, and this fact has been spread through the country; certainly no greater damage will be done to them by the publication of the evidence than has already been done by the publication of the charges. It is a

question whether the object desired by the counsel can be attained by the application made. There is nothing to prevent the witnesses from communicating with each other after the session of the commission. It seems to me that no injustice will accrue to the accused by having this tribunal open and public. If these men are guilty, let the people throughout the land know that fact, and also the grounds upon which the charges stand; if not guilty, then let the world know that they are innocent; if the testimony is a conspiracy to convict them, let that fact be published. If it is found that any reporter in this hall gives an unfair and prejudiced account of these proceedings, the gentlemen may interfere; but so long as he gives a fair and unbiased record, I think the doors should not be closed. I believe that no secrecy should be permitted in these proceedings, but that the broad light of day should be shed upon the proceedings of the government, that the people may see that there is no tyranny on the part of the government towards those who are accused of crimes. I, therefore, object to the course proposed by the counsel.

Robert Hervey, esq., said: I have no doubt the judge advocate will conduct this prosecution in perfect fairness. But this application is made on the part of the accused; hence it is made under peculiar circumstances. Here are parties charged with a capital crime. The witnesses may be of such a character as not to be very reliable, and it is entirely desirable that these witnesses should all testify, as far as safeguards can be thrown around the accused, without the knowledge of what any other witness has deposed to. As to witnesses communicating with each other, I can only say that if the order which we ask is made, requiring the public press, for the present, to abstain from the publication of the testimony given from day to day; if the witnesses are excluded from the court and called in to testify, one by one; and if the judge advocate informs the witnesses, as it would be his duty to do, that no communication must take place amongst themselves after one has testified, a witness would be guilty of a high contempt of this court if he transgressed. And if it were made to appear upon the examination of a witness, say to-morrow, that he had communicated with a witness who was examined to-day, I think the court would be called upon to punish that man for contempt of its order, and would be justified in excluding the party receiving that information from testifying at all.

These defendants are placed upon trial for their lives. I have yet to learn that such a court as this is to be conducted on a different principle from that which obtains in the usual courts in this land; and I trust this commission will not permit any course that will work injuriously to the accused in this case. We make this application, and we most urgently desire that it may be granted.

The judge advocate said: With respect to the *Hurt* case, to which allusion had been made, that was an exception to a general rule. The publication of testimony in that case was not allowed, because it was a matter entirely between the government and one of its servants. In the present case that reason does not obtain; on the contrary, the people generally are deeply interested in this case, and they want to know the grounds on which this prosecution is based.

The court was then cleared for deliberation. On being reopened, the judge advocate answered to the accused the decision of the commission, as follows:

I have to announce, gentlemen, that upon your motion for a suppression of the evidence from the public prints, the court declines to grant it, and overrules the motion; believing that if the evidence shall show the accused to be *guiltless* of this offence, and innocent, it would work to their injury and their prejudice more than to their good. That if they are *guilty*, and the proof warrants such a conclusion on the part of the court, it would be to the injury and prejudice of the government. And further, that the order would not be of any practical benefit or use while you leave the doors of this court-room open to the public generally, and undertake to exclude special reporters. The people, did we not close this room, would have a right to correspond with any press; they would

have a right to send telegraphic intelligence or letters to papers beyond this department to places over which this tribunal has no power or control. The order, even if granted, would be a vain thing, and of no effect. On these grounds they decline to grant the request, and overrule the motion.

Robert Hervey, esq., of counsel for the accused, then said: I would ask the commission then to make an order—having declined to prohibit the publication of the evidence from day to day in the public prints—that no witness shall communicate with another witness on the subject of the testimony given; and that no witness to be examined shall read the reports of the testimony in the newspapers, on penalty of being dealt with by the court in such a manner as its discretion may dictate.

The judge advocate in reply said: Let me suggest that such an order could hardly be of practical effect. Many of my witnesses will arrive from time to time, just as I desire to put them upon the stand. They might not see the order of the court or know of it, and I could not notify them of it. Some witnesses I might desire to put upon the stand that I had not previously thought of putting on. The notice may not be brought home to many of the witnesses; some may, and others may not, have seen it. The order could not have any practical effect except upon a few who are already notified, and I doubt the policy of this court taking the step recommended. This, however, is a question for the court to determine.

Robert Hervey, esq., one of the counsel for the accused, then said: If a witness were to violate the order of the court, if such an order were made, the court would have the discretion to deal with him when he came to testify. If a witness did not know of the existence of the rule, of course the court would not, in the exercise of its discretion, exclude that witness from testifying. But if a witness knowingly violated this rule, then the court could deal with him according to its discretion. If it were violated in ignorance, it would be sufficient proof for a witness to show to the court that he had no notice of such an order and *had* acted in ignorance.

The court was then cleared for deliberation. On being reopened, the judge advocate announced to the accused the decision of the commission.

The court cannot grant the application, but desires, as far as the notice can be brought home to the witnesses, that they shall not read the testimony as it shall be given from day to day. I will take care, as far as I am able, to notify the witnesses. It would be well, also, for the press to give notice that the succeeding witnesses are not to read the testimony of other witnesses, nor to communicate with each other on the subject of the trial.

JOHN T. SHANKS, a witness for the government, was then introduced, and being duly sworn by the judge advocate, testified as follows:

By the JUDGE ADVOCATE:

Q. State your name, place of residence, and business for the last three years.

A. John T. Shanks; I reside in Nacogdoches, Texas; I have been in the confederate army.

Q. When did you enter the confederate army?

A. On the 26th February, 1861, at Austin, Texas.

Q. Under whom did you enlist?

A. Henry McCullough.

Q. What was the term of your enlistment?

A. Three years.

Q. State how long you served in the confederate army.

A. I served the three years, and at the expiration of my service I was a prisoner of war.

Q. State what was your business before entering the confederate army.

A. I was a merchant and stock raiser; I have a rancho in Texas.

Q. Where were you captured ?

A. At Buffington, Ohio.

Q. Under whose command were you serving ?

A. John Morgan's.

Q. Where were you first taken to ?

A. Camp Morton.

Q. What was the date of your capture ?

A. 19th July, 1863.

Q. How long did you remain at Camp Morton ?

A. We left Camp Morton for Camp Douglas on the 17th of August.

Q. What was your position in the rebel army.

A. A portion of the time I was acting commissary in the subsistence department.

Q. What was your commission ?

A. Captain.

Q. What did you command ?

A. A company.

Q. How long did you remain at Camp Douglas ?

A. I arrived there, I think, on the 18th of August, 1863, and have remained there since that date.

Q. Have you ever taken the oath of allegiance ?

A. I have, on the 5th day of December last.

Q. When did you first make your application ?

A. In June last, immediately after the expiration of my term of service in the confederate army.

Q. To whom was that application made ?

A. To Colonel Hoffman, through Colonel Skinner.

Q. What position did you hold at camp while prisoner of war ?

A. I was a clerk under Colonel Skinner.

Q. Did he approve or disapprove of your intention to take the oath of allegiance ?

A. He approved it.

Q. Previous to the 5th of December, how were you treated as prisoner of war ; had you less or more privileges ?

A. I had a few more privileges than others.

Q. What were those privileges ?

A. I was clerking at headquarters, and had the privilege of going into the garrison square during the day, and up to closing business hour at night, and I slept in the prisoners' square.

Q. Was garrison square outside the camp ?

A. There are two squares, one in which the prisoners are kept, and one occupied by the court or garrison in which is the headquarters. There is a gate leading into the prisoners' square ; we have to pass that gate to get into headquarters. I was not under a guard, and great kindness was shown me.

Q. Were you permitted to go to the city ?

A. Yes, sir ; under the charge of a commissioned officer.

Q. When was this liberty first permitted ?

A. Last fall.

Q. How early in the fall was it you first received permission to visit the city in company with the officer ?

A. It was January, about a year ago ; I was then under the post surgeon ; since then, I have been acting as a clerk in the department.

Q. When did you take the oath ?

A. The 4th of December, 1864.

Q. State to the court under what restrictions you acted when under this commissioned officer, when visiting the city.

A. I was not permitted to hold communication with any party whatever.

Q. Up to what time was that restriction exercised over you?

A. Up to the 3d of November.

Q. After that what restrictions were you under?

A. None, sir, but what was honorable; I was placed upon my honor.

Q. State the terms to which you bound yourself.

A. To hold no conversation with any parties that would be contraband. I left the camp on the night of the 3d of November.

Q. State to the court when, if ever, you first met any of these accused, and where.

A. The first time I met Judge Morris was at his house, on the night of the 3d of November.

Q. Had you then taken the oath?

A. No, sir.

Q. What was your position at that time?

A. Prisoner of war, of the confederate army.

Q. State where and how you saw Judge Morris?

A. I rang the bell at his door, and was met by a young gentleman whom I did not know; he asked my name, and I told him; I asked for Judge Morris; the judge came, and he told the judge, in my presence, who I was; he told him I was Captain Shanks, of Camp Douglas.

Q. What uniform had you on?

A. Confederate uniform.

Q. Is that suit of clothing here that you had on at that time?

A. Yes, sir.

Q. Where is the overcoat you wore?

A. I brought it with me.

(An overcoat was then produced in court.)

Q. Is that the overcoat you wore?

A. Yes, sir; it was buttoned, and I unbuttoned it after I went in.

Q. Did Judge Morris see the uniform?

A. He did, sir.

Q. What next took place?

A. He brought Mrs. Morris in, and there was a conversation between Mrs. Morris and myself; the judge stated that he did not wish to compromise himself.

Q. Was the judge present during your conversation with Mrs. Morris?

A. I think he was; I am satisfied the judge was present. I told Mrs. Morris that I was just escaped from camp, and that I had no friends outside the confederate lines, and I appealed to her for assistance, knowing that she sympathized with us; and she asked me whether I desired to go to Canada or Kentucky. I told her I left that optional with her, because she was better posted than I. She advised me to go to Kentucky. She then stepped out, she and the judge together.

Q. When she advised you to go to Kentucky, did she give you the names of any persons in Kentucky or elsewhere that you were to go to?

A. Yes, sir, she did; she gave me the name of S. T. Taylor, on Fourth street, in this city. I have learned since that this was not the proper house. I have a memorandum that I took at the time.

Q. Read that memorandum to the court.

A. "S. T. Taylor, Fourth street." In case I was captured, I made dashes between the letters of the name.

Q. Was that done in presence of Mrs. Morris and the judge?

A. It was.

Q. Were any other names given to you at that time?

A. None that I recollect.

Q. Did you learn as to the correctness of that name when you arrived in the city ?

A. I never had occasion to ascertain whether it was correct or not.

Q. State what occurred after Judge Morris and Mrs. Morris left the room.

A. Mrs. Morris and the judge returned together, and the judge then retired from the room.

Q. State what she did after the consultation with Judge Morris.

(Question objected to by the accused.)

T. M. Key, esq., of counsel for the accused, said : If you will permit us to introduce Mrs. Morris, this witness may proceed and say what he thinks of it.

The judge advocate replied : We will permit everything that the law permits.

T. W. Bartley, of counsel for the accused, said : Mrs. Morris is not on trial, and what she said or did, in the absence of Judge Morris, is not evidence. It is a well-settled rule of law that what is said and done by another person, in the absence of the accused, is not to obtain against the accused. One person is not to be responsible for what another does. We would waive this objection if Mrs. Morris were permitted to come upon the stand, to explain what really took place.

The assistant counsel replied : The law of conspiracy is such that when the conspiracy is proved, the acts of other parties, not before the court, may be put in evidence, to cast light upon the guilt or innocence of those at bar. Letters addressed to the party on trial, found in his possession, may be read as evidence against him, to throw light upon the conspiracy and prove it. In this case Mrs. and Judge Morris retire, and one of them returns with the result of that interview, and that report is competent to show how far Judge Morris was criminated by that act. If this was done by an agent we have a right to the testimony constituting him or her that agent.

On Judge Bartley's rising to reply, the judge advocate objected to further remarks.

Judge Bartley replied : If, after so unfair an argument as that from the assistant counsel, we are excluded from replying, it is useless for us to expect impartial justice at the hands of this commission.

The judge advocate replied : Judge Bartley, from the beginning of this case, has, by innuendo, tried to prejudice this commission in the eyes of the public, and sought to throw over them slurs that are unworthy a lawyer, and unworthy a man who loves his government, and I here protest against such a course being permitted by this court.

The members of this commission have made their record in this war, and now that they who have perilled their lives in the cause of their country seek to enforce the rules of law that have prevailed for ages, the counsel for the accused assert that it is useless to ask for impartial justice at their hands. Any attorney making such an assertion ought to be excluded from your presence. We will ask for honorable treatment, or we will insist on silence. It ill becomes the counsel to throw slurs upon honorable men, and if I kept silence when it is done I should keep silent when the government asks me to defend her rights and the rights of her people.

Judge Bartley then said : I have not uttered one single word reflecting upon any member of this commission, or on the commission as a body ; I have not the least intention or desire to do so. I entertain for this commission the highest respect. I simply wish to correct the rule of evidence as stated by the learned assistant counsel. If incorrect rulings were applied we could not have impartial justice. It was the effect of the ruling to which I objected. As far as the judge advocate's reflection upon my loyalty is concerned, I exceedingly regret that any attempt should be made to prejudice me in the eyes of this commission. All that I wished to insist on was that if so unfair a rule of practice as that in-

sisted upon by Colonel Jackson were adopted here it would be useless to expect impartial justice. My reference was to the *effect of the ruling*, and not to the practice of this court. I was simply attempting to show the effect of the rule of evidence sought to be adopted.

The court was then cleared for deliberation as to the rule of discussion to be adopted.

On the court being reopened, the judge advocate announced the decision of the commission as follows :

During the progress of this trial, when objections are made to questions of testimony, there shall be but two arguments ; the first on the part of the one making the objection, who may support it by such arguments and authorities as he deems best. The opposite party may then reply, which shall close the discussion. The same rule applies to the government as to the accused.

The commission also decides that the objection do the question put to the witness was overruled, and that the witness should go forward and answer it.

Q. What did Mrs. Morris do after she returned to the room with Judge Morris ?

A. She gave me thirty dollars.

Q. Did she make any remark when handing this to you ?

A. She stated at the time she handed it that it was not proper for the judge to see her hand me money, as it might compromise him.

Q. State whether you had any further interview with Judge Morris at that time.

A. He returned, and they instructed me, both together, to purchase a coat, and to leave on the express train. Mrs. Morris took out her watch to look at the time; it was nine and a half o'clock, and she said I had just half an hour to go to the depot. The judge requested me to cut the brass buttons off my vest to avoid detection.

Q. Have you that vest here ?

A. I have.

(Gray uniform produced in court.)

Q. What is that uniform ?

A. It is a confederate uniform.

Q. The judge, you say, requested you to cut the buttons off ?

A. Yes, sir ; and pin it up.

Q. Why from the vest and not from the jacket ?

A. I was to purchase a vest at the depot.

Q. Was there any further conversation between you and Judge Morris ?

A. He explained his position ; that his peculiar position would not justify him in doing what his feelings might dictate. He also stated at the time I left that there would, perhaps, be an uprising ; that I would meet with a hearty real welcome if I went to Kentucky, and that likely I would have to return to Chicago ; but whether he or Mrs. Morris stated that I do not know, but Judge Morris was present when it was said.

Q. Why were you to return to Chicago ?

A. He did not say.

Q. Upon what subject was he speaking when he said that ?

A. On the subject of sympathy with what might occur.

Q. State what was said.

A. According to my understanding, I was to go to Cincinnati, and I would receive instructions at the house I was sent to.

Q. Did he speak in any specific manner in respect to this uprising ?

A. No, sir ; not that I remember.

Q. Did you see Judge Morris subsequently to that ?

A. Only at Camp Douglas, after his arrest.

Q. State if you have ever met any of the accused, and where.

A. I met Grenfel on the evening of the 6th of November at the Richmond House, Chicago.

Q. Before that did you meet any of the accused elsewhere ?

A. I met Daniel. The last time I saw him was, I think, at Camp Morton.

Q. Point out which is Daniel, which is Grenfel, and which is Judge Morris. (The witness here pointed out each of the accused mentioned.)

Q. Are these the men you refer to ?

A. Yes, sir ; they are.

Q. Where did you say you met Daniel ?

A. The last time I saw him was at Camp Morton.

Q. When was that ?

A. I do not recollect the precise time, but it was between the 19th of July, 1863, and the 17th of August. I have no memorandum to which to refer to identify the date.

Q. Had you seen Daniel before that ?

A. Yes, sir ; in the confederate army.

Q. Under whom ?

A. Under J. H. Morgan.

Q. Was he the prisoner of war whom you saw at Camp Morton ?

A. Yes, sir ; he was captured the same day that I was.

Q. Do you know where he went to from Camp Morton ?

A. No, sir ; I have no recollection.

Q. When was the next time you saw him ?

A. At McLean barracks, in this city.

Q. How came you to see him there ?

A. I was sent there by the judge advocate to identify him.

Q. State where you first made the acquaintance of the accused, Grenfel, and your knowledge of and communication with him since.

A. It was while he was adjutant general for General Morgan, about December, 1862, at Stone river, near Murfreesboro'. His headquarters were six miles from Murfreesboro'.

Q. How did you come to make his acquaintance then ?

A. I was thrown into his company by military association.

Q. What capacity were you in at that time ?

A. I was captain in the Confederate army, though I did not belong to Morgan's command.

Q. How long did you serve with him, or know of his being in the confederate army ?

A. He started with Morgan on the raid he made into Kentucky, but some difficulty arose between them at Alexandria, Tennessee. Grenfel returned, and was afterwards made inspector general of cavalry on Bragg's staff, and was occupying that position when Morgan started on his raid through Indiana and Ohio in 1863.

Q. Where did you see him next ?

A. I met him at the Richmond House, Chicago, on the evening of the 6th of November.

Q. How did you happen to meet him there ?

A. I went there for the purpose of ascertaining if there were any confederate officers stopping at the house. I registered my name as John Thompson, Springfield, Illinois.

Q. Did Grenfel recognize you when he met you ?

A. Not at first ; I recognized a dog of his. I first wrote a note requesting to see him ; I went to his room and told him who I was, and where I was from. I told him that I had just escaped from Camp Douglas, and the circumstances under which I escaped. I stated to him that I was under a parole of honor ; that I had forfeited that parole by taking advantage of the kindness extended to me by the authorities, and that I was in a precarious position. He expressed solicitude in my behalf.

Q. What did he say ?

A. He asked me particularly with regard to the prisoners, and their feeling. I stated to him that they were rather oppressed, and were looking for any assistance that they might receive from an outside source. Whether he asked me the question or not, I do not remember, but he desired, I think, to know if they would co-operate with any assistance from outside; I replied that they would.

Q. Give that conversation as fully as you can.

A. I stated to him that I had just escaped from Camp Douglas. I stated to him the position I occupied, and that the fact of my escape would create considerable excitement, and that I would have to call upon my friends to assist me to effect my escape from Chicago. He stated to me that he was rather short of funds, and that he would have to telegraph for some; and he further stated to me the object of his visit—that he was on a hunting expedition. Our first interview was not very lengthy, and I agreed to meet him again at half past nine.

Q. Was there any person present at the first interview ?

A. No, sir. I went to him at half past nine, and he introduced me to J. B. Fielding and Mr. Ware. Something was said about effecting the release of the prisoners, and I was asked by Fielding how many men would be required to accomplish that.

Q. What prisoners ?

A. At Camp Douglas. I told him that with two hundred men I could tear down one side of that square. He asked me which side I would take. I said the front side. Mr. Fielding stated that he had not sufficient confidence in Ware as to conducting the plan of attack. There were no persons present but Grenfel, Fielding, and myself. He asked me if I could with two hundred picked men take the front gate and capture the artillery. I told him I could. Fielding then went on in further conversation, Grenfel, who was walking backwards and forwards, sanctioning; Fielding sat in the chair.

Q. Was the conversation in a tone of voice that Grenfel could hear ?

A. Yes, sir. It was a small room.

Q. Did he make any suggestion ?

A. Yes, sir; he did as we were talking. Fielding then asked me if by taking a party of two hundred on each side, and I in front with two hundred picked men could accomplish the release; I said it could easily be done. He remarked that was the plan they had agreed upon, but they had not been able to find a man to take the front gate. I tendered my services to do that work. We were to be armed with revolvers, as that would be better than carrying guns, because we would have to go on the street cars. He further said that attacks would be made on the city at the same time.

Q. Who said that ?

A. I think it was Grenfel; it was in his presence. Grenfel was to have charge of an attack upon the city. The banks were to be taken charge of, railroad depots to be burned, and the telegraph wires cut; this was to occur at the time the assault was to be made on the camp; the prisoners were to be released and turned loose upon the city. That was said in the conversation, but whether by Grenfel or Fielding, I could not say; it was with the sanction of both parties.

(The witness's answer objected to for the reason that it is not for the witness to determine what was sanctioned by both parties.)

Q. Can you not state who said this ?

A. It was a general conversation, and it would be very difficult to state precisely. It was a conversation that amounted to a great deal, and it would be difficult when two parties were talking to state exactly what each one said. Colonel Grenfel was one of the parties. I was then asked as to the locality of the arsenal, the park of artillery, and the positions occupied by the artillery at

night. There was a section of artillery placed round the garrison every night I have a pencilled memorandum of the diagram I drew.

Q. Exhibit that to the court.

(The diagram was then handed to the court by the witness. Said diagram, marked S, hereto attached and made part of this record.)

Q. Was that made at the time ?

A. It was.

Q. By whom ?

A. It was made by myself and exhibited to Grenfel and Fielding.

Q. Explain it to the court.

A. It represents the artillery as planted after seven o'clock every evening round the rebel camp.

Q. After you drew that plan what took place ?

A. Grenfel claimed to be rather unwell, and Fielding and myself retired to my room, No. 70, and we had an interview there. We agreed to meet next morning at eight o'clock, at my room. Captain Hines and Edward H. Gray, who had escaped from Camp Douglas, were to command one of the attacking parties. (Answer objected to.) We separated with the understanding that we were to meet at eight o'clock, Grenfel, Fielding, and myself.

Q. You say the next conversation was between you and Fielding, do you ?

A. Yes, sir.

Q. Was that conversation upon the subject of this joint conspiracy ?

(Question objected to by the accused. E. G. Asay, of counsel for the accused, objected on the ground that such testimony was not competent. That the witness was asked for declarations against one of the accused out of his presence, such declarations being made by one not a co-defendant. It was a rule of common law that no man should be adjudged guilty by the declaration of another, unless he himself assents to it. If the declarations of one detective to another detective and spy were permitted in evidence against an accused, the liberty of every man and even every member of the court would be endangered.)

The judge advocate replied : "The conversation called for was in pursuance of the conspiracy between Fielding and the witness in the absence of the accused. In conspiracy there was a larger latitude given to the prosecution, in all cases, than in any other class of prosecutions, because the law has said that when men combine together for an illegal purpose they gather strength by such agreement ; and because of the greater danger in conspiracy, greater latitude is allowed in opening up that conspiracy. It is charged that the parties at bar, with one Hines of the confederate army and others, did combine and agree to do this illegal act. That is a conspiracy in and of itself. We prove the existence of a conspiracy to which the accused Grenfel is a party. We charge that he knew of the general plan by which that conspiracy was to be carried out. I then contend that the acts or speech of any man who was connected with this conspiracy, after we have connected Grenfel or any of the accused with it, is just as much evidence against him as though he himself did the thing or uttered the word. A conspiracy is a living, moving, sentient unity. One conspirator may be the head, another the arm, another the eye, another the feet, and all moving forward jointly to the work of anarchy and destruction. And because one claims to be the head, shall we not be permitted to show what the hands and feet did ? The conspirators sought to turn loose upon a defenceless city a band of cut-throats, and the law will hold each actor, whether chief or subordinate, responsible for that conspiracy.

Benét, page 288 ; De Hart, page 351 ; Wheaton's Criminal Law, paragraph 2352 ; Roscoe's Criminal Evidence, page 79, were quoted in support of the argument of the judge advocate.

The court was here cleared for deliberation. On being reopened the judge advocate announced to the accused that the objection was overruled.)

The commission then adjourned to meet on Saturday, January 21, 1865, at 11 o'clock a. m.

COURT-ROOM, CINCINNATI, OHIO,
January 21—11 o'clock a. m.

The commission met pursuant to adjournment. All the members present; also the judge advocate and the assistant counsel, the accused and their counsel.

The proceedings were read and approved.

The examination of John T. Shanks, a witness for the government, was then proceeded with as follows:

By the JUDGE ADVOCATE :

Q. Was that conversation, between Mr. Fielding and yourself, upon the subject of this joint conspiracy?

A. It was.

Q. Give to the court this conversation.

A. The conversation that occurred between Mr. Fielding and myself was exclusively as to the plan of attack.

Q. State who this Mr. Fielding was.

A. He was introduced to me by Colonel Grenfel. Fielding told me that he was an officer in the confederate army, but was under a fictitious name.

Q. What was the date of this conversation?

A. It was on the night of the 6th of November, 1864, at the Richmond House, Chicago, room No. 70.

Q. Go forward with the conversation.

A. We spoke of the plan of attack. He said that Captain Hines was to command the attacking party on the west side of the camp—that is, to attack the second division.

(J. O. Brodhead, esq., of counsel for the accused, desired that the witness may be instructed that he is not at liberty to speak of this conversation in regard to any persons whose names he has yet not mentioned in connection with that conspiracy.

In support of his position, the judge advocate read paragraph 2351, Wharton's Criminal Law, vol. 2, and par. 706, Wharton's Criminal Law, vol. 1.

The court was then cleared for deliberation. On being reopened, the judge advocate announced to the accused that the motion made by Mr. Brodhead was overruled, and that the witness would give the entire conversation.)

A. Captain Hines was to command the attacking party on the west side of the prisoners' square. Mr. Fielding was to command the attacking party on the south, Mr. Gray on the north, and myself on the east gate.

Q. Who was Mr. Gray?

A. He was a prisoner of war, and had escaped.

Q. Who was Captain Hines?

A. He was an officer in the confederate army.

Q. Where was he then?

A. Fielding told me he was in Chicago at the time.

Q. Go forward.

A. We were to have a meeting the next morning, at eight o'clock, to confer with each other as to the plan of attack. We were to have an explicit understanding as to the routine of the attack, so that there should be no difficulty or misunderstanding. Fielding said that Hines was stopping at Bridgeport, and that Gray was with him. Bridgeport is near Chicago; I think it is a portion of

the city. Fielding left my room, I think, about half past one or two o'clock, and he said as he left, "Perhaps I may return before that hour, and I will give a certain rap, so that you will admit me." When I woke up, I found I was arrested. This was at the Richmond House, and was about three o'clock on the morning of the 7th of November.

Q. Whom else did you see at the Richmond House at the time you were there, on the evening of the 6th?

A. I had conversation with a great many parties—one from Mexico; he told me and I addressed in Spanish, with which language I am acquainted. I met quite a number of men that were enlisted in this cause.

Q. Can you give the names of them?

A. No, sir; I cannot.

Q. What do you mean by "this cause?"

A. I mean the release of the prisoners. The only man I knew was Colonel Grenfel; and I was introduced to Fielding and Ware.

Q. How do you know these men were enlisted in this cause?

A. I was told so by Mr. Fielding. He pointed out the men to me.

Q. Did he say where they were from?

A. Some from Canada, he said, and some from the south of Illinois.

Q. When was it that Mr. Fielding pointed out these men to you?

A. On the evening of the 6th. It was on the second or third floor of the hotel. We were all rooming on the same floor.

Q. Whom do you mean by "we?"

A. Grenfel, Fielding, Ware, and myself.

Q. What were they doing when you saw them?

A. They were passing in and out of the room.

Q. In your conversation with Grenfel on the evening of the 6th did he inform you who was to take part in this; and if so, whom did he say?

A. I asked Grenfel and Fielding where the men were to come from that were to accomplish this object, and in case any expenses were incurred, where the means were to come from. Grenfel stated that the confederate government was to furnish the means for the purpose of releasing the prisoners, and we were to have the co-operation of influential citizens of the north, but without stating any names, for the purpose of carrying out this object. He said some were to come from Canada, and others were to be supplied by the Sons of Liberty.

Q. What do you mean by the Sons of Liberty?

A. I do not know, except what I have seen in the papers. I understood it was a party that sympathized with them. I do not know anything about it personally.

Q. Were any arrangements made between you as to concert of action in any way, or recognition, or anything of that kind?

A. We were not to recognize each other outside of our rooms, and Grenfel requested that while in his room our conversation should be low. Fielding and myself were talking a little too loud, and Grenfel requested us to talk lower.

Q. Did he give any reason why you should talk lower?

A. He did not.

Q. State whether any signals were arranged in connection with the attack; how it was to be conducted; and if you learned it from either Fielding or Grenfel.

A. In the interview with Fielding, he stated to me that the signal for attack was to be the throwing up of a sky-rocket, and that the attacks on the city and camp were to be simultaneous.

Q. Where were the troops or men to be that you were to command?

A. I was to have my men immediately opposite the front gate. The attacking party on the other side was to be armed with guns; my men were to be armed with six-shooters, because I had to go up the public street, and the guns

carried by the attacking party might attract attention. I made this as a special request to Fielding. We were to concentrate at the corner of Randolph and State streets, and go up on the cars at four o'clock on the evening of the 8th. We were to go up in squads. Some were to walk up five or six squares, and then get on the cars, that we might avoid attracting attention.

Q. Who was to notify these men where they were to rendezvous?

A. Mr. Fielding knew where these men were, and he was to notify me.

Q. Who was to lead the attack on the city?

A. Colonel Grenfel.

Q. How many men was he to have?

A. Mr. Fielding told me he was to have 700 or 750 men.

Q. What was the number of men expected to come from Canada?

A. Mr. Fielding told me about 500 men.

Q. Who were these 500 men that were coming from Canada?

A. Principally prisoners of war who had escaped from different camps.

Q. How many men were to come from other parts of the country, and where were they to come from?

A. Mr. Fielding told me there would be about 1,500 men that they could rely on. He said they were principally from Illinois. This conversation as to where the men were coming from occurred in Grenfel's room. They were coming principally from the southern part of Illinois.

Q. Did you learn whether they were to come armed, or whether they were to receive arms after they arrived?

A. They were to receive arms after they arrived.

Q. Who did you learn that from?

A. From Mr. Fielding.

Q. Did he say where the arms were?

A. No, sir. He said that they had plenty of arms.

Q. Did Colonel Grenfel state to you with whom he was in communication in this place?

A. He said to me he was in communication with Mr. and Mrs. Morris.

Q. Any others?

A. He stated that he had communication with parties at Toronto.

Q. Did he name any who were at that place?

A. He named a banking-house, the name of which I do not recollect.

Q. State whether you learned if there was to be any reserve forces; if so, from whom did you learn?

A. Mr. Fielding said to me that there would be a reserve of 350 men on the west side of the prison square.

Q. Who were they to be commanded by?

A. He said to me that they would be commanded by a gentleman of the name of Walsh; also another by the name of Marmaduke. I do not know either one of the parties.

Q. Did he state who these reserve men were to be?

A. A part of the men who were to be furnished; he did not say who.

Q. Did you learn who Mr. Walsh was?

A. No, sir; I did not learn at the time, but have since.

Q. Do you recollect whether he gave his first name, or any title?

A. I think he called him "General Walsh." I thought at the time it was some general in the confederate army.

Q. In what capacity and under whose instructions were you acting?

A. I was acting as a prisoner of war under Colonel Sweet.

Q. For what purpose were you acting?

A. For the purpose of ascertaining, if possible, the extent of this conspiracy.

Q. Did you make reports to Colonel Sweet from time to time?

A. I was in direct communication with him all the time.

Q. Were you under any pay or employment at that time ?

A. I was not, sir.

Q. Had you any promise of any pay or reward ?

A. No, sir; I had none.

Q. Had you or had you not at that time made application to take the oath of allegiance ?

A. I had made application.

Q. State if you learned from either Fielding or Grenfel what was to be the course of action after the prisoners had been released ?

A. We were to destroy the city of Chicago. Other camps were to be attacked at the same time, Camp Morton, at Indianapolis, Indiana, and Johnson's Island also. We were then to form a junction at some point not designated on the Ohio river, and afterwards to form a junction with Forrest in Kentucky.

Q. State what you did with the money you received from Mrs. Morris.

A. I handed it to Colonel Sweet.

Q. Did you make any mark or sign by which you can in any way identify that money ?

A. I did, sir.

A packet of money was here handed to the witness.

Q. Is that the money that you received from Mrs. Morris ?

A. Yes, sir.

Q. Explain to the court what sign you put on it.

A. I put a Q in the corner of each bill, so that I might afterwards identify it.

Q. When did you do that ?

A. On the night of the 3d of November.

Q. Who did you give it to ?

A. To Colonel Sweet.

Q. What is the amount ?

A. Thirty dollars.

Q. From whom did you receive that money ?

A. From the hands of Mrs. Morris.

Cross-examination by Judge WILSON ;

By the accused :

Q. How long did you live in Texas previous to the time you enlisted in the confederate army ?

Answer. I was born and raised there.

Q. How old are you ?

A. I am thirty-three years of age; my father emigrated to the State of Texas in 1828.

Q. Who did you first enlist under ?

A. Under Henry McCullough.

Q. In what capacity did you first enlist ?

A. As a private, sir.

Q. Whereabouts were you located at the time you enlisted ?

A. I was located temporarily at Austin, Texas.

Q. Do you remember who the captain of your company was ?

A. Captain Samuel J. Richardson, of Harrison county, Texas.

Q. How many had already enlisted in that company at the time you enlisted ?

A. I do not know, sir. The company was raised in the eastern portion of the State, and I joined it as it came through Austin.

Q. Had the company been mostly raised before you joined it ?

A. Yes, sir.

Q. Who did you first converse with on the subject of enlisting ?

A. I do not know, as it is a long time ago.

Q. Who did you apply to to enlist?

A. I was solicited by the captain of the company to join.

Q. Were you a volunteer?

A. Yes, sir, from necessity, and not from choice.

Q. Did the captain first talk to you about it?

A. Yes, sir, he asked me to join his company.

Q. What was the necessity?

A. The necessity was this: I was a prominent member of the Union party in my State; I was a strong Union man, and voted against secession in my State. The governor elected by the secession convention issued a proclamation that all those inimical to the rule of the government should either leave the State within sixty days, enrol their names for enlistment in the confederate army, or take the oath of allegiance. That was the necessity.

Q. With this necessity upon you to leave the State within sixty days, enrol your name on the books for enlistment in the southern army, or take the oath of allegiance, you volunteered?

A. Yes, sir.

Q. And did you enlist as a private?

A. Yes, sir, as the company was passing through Austin.

Q. How long did you continue as a private?

A. Until August, 1861.

Q. What did you do then?

A. I was promoted to be lieutenant.

Q. In whose command?

A. Henry McCullough's regiment.

Q. How long did you remain lieutenant?

A. Until January, 1862.

Q. What did you do then?

A. At my request I was transferred to the department of Ben. McCulloch's command in Arkansas.

Q. What did you do then?

A. I entered his escort as a private.

Q. How long did you remain in that capacity?

A. I remained in that capacity until before the battle of Pea Ridge.

Q. Up to what time did you remain a private under that McCulloch?

A. I don't remember.

Q. As near as you can remember, how long?

A. I think it was in March, the fore part of March, that the battle occurred.

Q. What year?

A. 1862, to the best of my recollection.

Q. Can you remember whether it was 1862 or 1863?

A. I know it was 1862.

Q. How many months did you serve as a private in the first company you joined?

A. From the 22d of April until some time in August, 1861.

Q. How long did you serve as lieutenant before you again went as private?

A. From my appointment in August till January, 1862, when I reported to McCulloch—until just before the battle of Elkhorn or Pea Ridge—the latter part of February or the first of March.

Q. What did you do then?

A. The captain resigned and I was placed in charge of the escort.

Q. How?

A. As captain of the company. I was not commissioned by the confederate authorities, but appointed by McCulloch.

Q. Were you ever commissioned as a captain?

A. I was, sir.

Q. When?

A. I was in April, 1862, after I fell back from Elkhorn. I was recommended by General Van Dorn.

Q. Did you take any oath of allegiance to the confederate government?

A. I took the oath required.

Q. Do you know whether it was an oath of allegiance or not?

A. I regarded it as such.

Q. Did you understand it when you took it?

A. Yes, sir. I entered a written protest against it at the time.

Q. Did you enter a written protest against swearing to that oath at the time you swore?

A. No, sir; not at the time I was sworn in.

Q. Did you enter any verbal protest?

A. I did.

Q. Who to?

A. General Van Dorn.

Q. What was that protest?

A. I stated to him that I had filed a protest against my being forced into the southern army, and that it was on record in my State. I asked him if it would not compromise me in taking the oath as an officer. He said that the protest I had filed would protect me and that it would not compromise me.

Q. What do you mean when you say it would not "compromise" you?

A. I mean, when a man takes an oath like that, he explains himself, and that is what I did.

Q. What do you mean by this "protest?" Do you mean that you mentally reserved that you did not swear to it?

A. In protesting, I explained the political position I had occupied.

Q. Do you mean to say that you asked General Van Dorn whether, if you took this oath of allegiance to the confederate government, you could mentally reserve yourself, and in effect *not* take it, in consequence of your previous protest?

A. No, sir.

Q. What do you mean, then, by a "reservation?"

A. I mean by that reservation, first, that I reserved to myself the right of maintaining my political position; that I would not compromise that.

Q. What do you mean by that?

A. That I was a Union man, and protested against secession.

Q. What was that oath of allegiance?

A. I did not regard it as an oath of allegiance.

Q. Do you remember what it was?

A. It was an oath to obey all superior officers; furthermore, I was to abide by all orders issued by the president.

Q. Is that all?

A. I was to abide by the constitution and laws of the confederate government.

Q. And at the same time you reserved, mentally, the right to be a Union man?

A. I reserved my political rights.

Q. What did you mean by taking that oath; were you to be a Union man or to be in favor of the confederate government, as you had sworn?

A. I was to be in favor of the confederate government; I did not understand that the oath required me to be in favor of the confederate government.

Q. Did you not just say that the oath you took required you to support the constitution and laws of the confederate government?

A. I do not think the oath requires that.

Q. Do you think that that was in the oath?

A. I say I think it was.

Q. Did you not just say it was?

A. I do not know whether it was or not; it has been some time since I referred to matters of that kind; I used to be familiar with them.

Q. Do you wish to correct the substance of what you have stated as to the oath you say you took?

A. I will refer to the regulations and state the oath.

Q. Do you wish to correct the statement that, in the oath which you took, you were to support the confederacy?

A. If I have stated anything but what was really the fact, I should want to correct myself; I only wish to state what is actually so; the subject of the oath is a matter that would be likely to come up but once, and it is likely I should forget about it.

Q. How many times did you ever take it?

A. I was sworn in as a volunteer once and as an officer once?

Q. Is that all?

A. Yes, sir.

Q. As what officer were you sworn in?

A. I was sworn in as lieutenant.

Q. Were there any mustering officers there that you heard of?

A. Not at the time I was promoted to a lieutenantcy. I was appointed by Henry McCullough. I believe there is no mustering officer under Morgan.

Q. Is that the usual way of making appointments?

A. In cavalry, but not in the regular service.

Q. Was there any difference from when you were sworn in as a private and when you were sworn in as an officer?

A. I do not know that there was.

Q. Did you understand this oath when you took it?

A. I think I did, sir.

Q. How long did you remain in service under McCullough as captain?

A. About five days. He was killed.

Q. Did you ever receive a commission as captain?

A. After he was killed I did, through the recommendation of General Van Dorn.

Q. How long after?

A. Some few weeks after we fell back to Van Buren. I left Desarc on the 6th of April.

Q. How long did you act as captain?

A. Till the 9th of May. I was then detailed to the subsistence department, and remained there up to the time that General Bragg fell back from Kentucky; his headquarters were at Murfreesboro'. I arrived in Murfreesboro' about the middle of October.

Q. Where did you go then?

A. I remained at Murfreesboro', and, at my own request, was acting under Major Walker, then chief of subsistence. I requested to be placed in the field, and Major Walker recommended to General Bragg that I should report to General Buford. I reported to him at McMinnville.

Q. When was that?

A. That was about the 26th or 27th of December.

Q. What did you do at the battle of Murfreesboro'?

A. I did some tolerable good fighting—as good as I knew how.

Q. Who were you fighting with?

A. I was fighting with federal soldiers.

Q. Who were they commanded by?

A. I do not know.

Q. What battle was that?

A. The battle of Stone river. I then reported to General Morgan, and was placed in charge of a company in his command, after his raid into Kentucky. His headquarters were at McMinnville.

Q. At whose request did you report to General Morgan ?

A. It was at my own request.

Q. Where were you when you reported to Morgan ?

A. At McMinnville.

Q. Had you the commission of captain at the time ?

A. Yes, sir.

Q. How long did you remain with Morgan ?

A. Until I was captured.

Q. Where did you first go with Morgan, after you asked to be placed in command ?

A. I was stationed at Woodbury, on picket.

Q. Did you know what kind of warfare it was that Morgan was engaged in at that time ?

A. No, sir ; I thought he was carrying on a legitimate warfare.

Q. Did you know the kind of warfare he was engaged in ?

A. I did.

Q. Why, then, did you not answer me directly when I asked you ?

A. I did not understand your question. I thought you desired to know if Morgan was carrying on a guerilla or a legitimate warfare ; I knew he was a regular commissioned officer under the confederate government at the time I joined his forces.

Q. Why did you suppose I desired to know whether he was engaged in guerilla or legitimate warfare ?

A. Morgan was reputed to be carrying on a guerilla warfare.

Q. How long did you remain with Morgan ?

A. Until I was captured at Buffington.

Q. Did you fight any battles ?

A. Yes, sir ; one at Richmond, one at Lebanon, one at ———, and a general fight through Indiana and Ohio.

Q. State, as nearly as you can, some of the fights in Indiana and Ohio.

A. We had a pretty hard fight at Corydon, Indiana.

Q. What part did you take in that fight ?

A. I had nothing but pistols when I crossed the river, and I took a gun. Captain Hines, who was in the same fight, commanded.

Q. Do captains generally carry guns ?

A. We did, sir, generally through that raid.

Q. Do you call this a raid ?

A. Yes, sir ; it appeared to be quite a raid.

Q. What was done at Corydon ?

A. We took possession of the place, and I went through and left the main force of some 500 or 600 men. I went on with the advanced guard, and I do not know what was done after I left. I know I did not get off my horse in the town.

Q. Were you at that time acting as a commissioned officer ?

A. I was commissioned as a captain, but had no direct command at the time.

Q. Were you acting as private ?

A. No, sir. I was frequently selected to take charge of scouts, and going with the advanced guard. I did not act as private.

Q. When you rode through this town who were with you ?

A. The regiment I was with.

Q. What did that regiment do ?

A. Nothing that I saw.

Q. What was done at the next town ?



A. We next came to Salem, where I remember I bought a hat, and I had my canteen filled with whiskey.

Q. Is that all?

A. I think so, sir.

Q. Did you see anything else done?

A. I saw several stores broken open, and the railroad depot burned up. I was on my horse, and remember Dick Morgan refused to allow me to dismount.

Q. Were you in command of any men at the time?

A. No, sir.

Q. How did they get into the stores?

A. They burst open the doors.

Q. Did you ever attempt to stop them?

A. No, sir, because officers superior to me were in command, and I knew it would be useless to attempt to prevent them.

Q. Did you get your hat in that way?

A. No, sir; I paid for it.

Q. How long did you remain there?

A. About two hours, and there were about 2,500 or 2,600 of us.

Q. What was the next town you came to?

A. We passed through towns at night frequently, and I do not know what they were.

Q. What occurred in the next town?

A. We went around some towns, and some we went through. No engagement occurred with any forces that I remember.

Q. Do you know anything about anybody being murdered there?

A. I do not. I know one old man was killed in regular fight; he was a brave man, too.

Q. Was he in the United States army?

A. I do not know whether he was or not.

Q. Had he a uniform on?

A. He had not.

Q. How old a man was he?

A. Forty-five years of age.

Q. Had you any part in killing him?

A. No, sir.

Q. Was he the only man you saw killed?

A. Yes, sir, he was the only man that, of my own knowledge, I know was killed.

Q. Were any women and children killed?

A. No, sir.

Q. Where did you go to next?

A. We then came to Lexington.

Q. Were any stores broken open there?

A. There may have been; it was characteristic of those raiders to break open stores.

Q. What was the next town you came to?

A. I cannot recollect. I remember now we passed through Hamilton.

Q. What did you do there?

A. I came in with the advanced guard, and passed right through. I understood that horses were pressed there, but I do not know of my own knowledge.

Q. What do you mean by horses being pressed?

A. It is a fancy way they have down south of expressing stealing.

Q. Where was the first place that you know of horses being stolen?

A. In Kentucky.

Q. Were you in command of any body of men?

A. Yes, sir, frequently; but not when any town was attacked.

Q. In whose command were you during the time you were travelling ?

A. I was directly under the command of Dick Morgan ; but as Colonel Morgan would get sick when there was any fighting to do, Captain Hines had command of the forces. When Hines was in command I was under him.

Q. Did you ever have any of those sick turns ?

A. If I did, I was not aware of it.

Q. What was the next place you arrived at ?

A. We went through a town about ten miles from this city ; I think the name of it was Glendale, and we turned right square from this place. I took charge of some men that drove the federal pickets in, I suppose from this place.

Q. How many men had you charge of ?

A. Twenty.

Q. Did anything occur at that little town that you remember ?

A. No, sir, not particularly ; we went at tolerably quick time.

Q. I want to know what kind of a fight it was in which that old man was killed.

A. As our forces were marching along the road, they rode into an ambuscade of some 300 or 400 men, citizens or perhaps home-guards, guarding the town, I suppose. They fired into us, and we returned the fire, of course.

Q. How many were killed ?

A. I only saw one man ; he was on foot when killed.

Q. Were you ever in the command of any person by the name of Buford ?

A. Yes, sir ; I joined General Buford, I think, about the 1st of December, 1862.

The commission then adjourned to meet on Monday, January 23, 1865, at eleven o'clock a. m.

COURT-ROOM, CINCINNATI, OHIO,

January 23, 1865 1 a. m.

The commission met pursuant to adjournment.

All the members present ; also the judge advocate and the assistant counsel, the accused and their counsel.

The proceedings were read and approved.

John T. Shanks, a witness for the government, continued his testimony as follows :

A diagram of Camp Douglas was here handed to the witness.

By the JUDGE ADVOCATE :

Q. Please to explain to the commission, by the aid of that plan of Camp Douglas, the position of the forces as you were informed by Fielding or Grenfel.

A. Fielding informed me that Hines was to command the attack on the west side ; the attack on the north side was to be commanded by Edward H. Gray, and the attack on the south side was to be commanded by Fielding. (The witness referring to the plan) I was to command the attacking party at the front gate, on the east side. The artillery was parked in Garrison square. I was to enter the east gate, which is the main entrance. I was to capture the artillery, and if necessary to turn it upon the garrison.

Q. Where did you tell these parties the artillery was parked ?

A. In White Oak square, which is used for an extra barracks, but at that time it was not used. I said the artillery was parked in this barrack, when actually it was parked in Garrison square.

Q. Where were the sentinels posted ?

A. (The witness pointed to the line indicating the fence.) The fence is about eight feet high, made of thick plank wood about two inches thick. There is a

parapet on the top, on which the sentinels walked. I think they were placed about sixty yards apart. As they walked backwards and forwards they called the numbers.

Q. How many sentinels are there on duty at a time?

A. I do not know.

Q. About how large is that enclosure?

A. About sixty acres are enclosed by the entire camp.

Q. What are those lower buildings and premises marked outside of the prison camp?

A. That in red is the general hospital, and there is the quartermaster and commissary departments; also the arsenal.

Q. Where were the troops camped from which the detail was each day made to guard the prisoners?

A. In the east barracks, in Garrison square.

Q. How many were there on the 6th November?

A. Between 700 and 800 men.

Q. Can you state whereabouts Mr. Walsh lived?

A. I never was at his house, and do not know that I ever saw it.

Q. State whether, in this conversation with Fielding or Grenfel, anything was said as to where the sentinels were stationed, their number, &c.?

A. Fielding stated to me that they knew exactly the number of sentinels on the parapet, and he told me a great deal more about it than I knew myself.

Q. Whereabouts was the arsenal situated?

A. The arsenal proper was on the east side of Garrison square.

Q. You speak of gates to the prison; of what were they constructed?

A. Of strong pine lumber, very thick. They were for the purpose of admitting wagons, &c.

Q. Were there any sentinels about Garrison square?

A. Merely a few; they were principally on the parapets, for the purpose of guarding the prisoners.

Q. State if you have examined this diagram or plan.

A. I have, and found it to be correct.

(A copy of the diagram was here offered in evidence by the judge advocate. Marked T, hereto attached, and made part of this record.)

Cross-examination continued.

By the accused:

Q. I forgot to ask you at the time you were at Austin, how soon you left there.

A. I do not remember. It was within a week we went to San Antonio, Texas.

Q. How long did you remain there?

A. I remained within four miles of the place for two weeks.

Q. Where did you go then?

A. I remained there till I started for Fort Smith. I went to Camp Wood, eighty-five miles north of San Antonio, and remained there till the latter part of December.

Q. How soon did you arrive at Fort Smith?

A. I think about the 31st of January, 1862.

Q. How long did you remain there?

A. Until General Price fell back from Springfield. I cannot say positively how long, it is so long since. I know we had to meet General Price at Cross Hollows; and I think it was nearly a month we remained at Fort Smith.

Q. Where did you go then?

A. General McCulloch advanced with his forces to meet Price; he was then

being driven out of Missouri; we met him at Cross Hollows. We staid there two days, and then all fell back to Boston mountain.

Q. How long did you remain there?

A. Till we started for the battle of Pea Ridge.

Q. What time was this?

A. The last of February or beginning of March, 1862.

Q. State the difference, if you can, between the oath of allegiance you were required to take, as you stated by the proclamation of the governor of your own State, and the oath of allegiance you took when you were enlisted.

A. I cannot remember now the precise oath I did take.

Q. Was there any difference in them?

A. There was some slight difference.

Q. Can you tell what it was?

A. I remember I was to obey orders of all officers.

Q. What was the difference between that portion relating to the southern confederacy of the oath you were required by the proclamation to take if you remained in the State, and that in the oath you took when you enlisted?

A. I do not know that there was any difference, but I am not positive.

Q. State when you first joined Buford's command.

A. It was some time about the middle of December, 1862.

Q. How long did you remain in his command?

A. Till it fell back about fifteen miles from Manchester, after the battle of Murfreesboro'.

Q. When did you leave him?

A. I cannot answer that definitely. I think it was in March or April; it was the time General Morgan had his headquarters at McMinnville.

Q. Were you with Buford's command all the time until you left him?

A. No, sir, I was not with the main command. I was reporting to him, and subject to his orders.

Q. Did you know the kind of warfare he was engaged in during the time you were with his command?

A. I knew he was a confederate officer. I presume I knew, or I should not have joined him.

Q. Did you know anything during this time of that command blockading the river some distance below Nashville, and planting cannon?

A. No, sir.

Q. Did you know anything about firing upon hospital boats, containing wounded soldiers of the Union army?

A. I did not, sir.

Q. Did you know generally the kind of warfare carried on by the command in which you were?

A. I was bound to be familiar with it.

Q. Were you in such a position that you would be likely to know, if two boats, just below Nashville, after the battle of Murfreesboro', containing Union soldiers unarmed, the hospital flag flying, were fired upon by cannon, and the wounded taken out and put upon the ground; would you know if this had occurred?

A. I think I would.

Q. Would you be likely to know if two boats were burned, the wounded taken out, and huddled on one boat?

A. I should have known it had it occurred.

Q. Did it ever occur?

A. Not to my knowledge; if it ever occurred it must have been done by a portion of his command, but I have no recollection of ever having heard of it.

Q. Do you not know that Generals Rosecrans and Bragg corresponded with reference to this very transaction?

A. I was generally on picket, and was not likely to have heard it.

Q. Would you have been likely to have forgotten such a transaction had it occurred?

A. Had I known it I would have stated it upon the stand.

Q. Would you be likely, if you had heard of that transaction at any time, to have forgotten it?

A. I do not know but what I might have forgotten it; so many transactions occur that I might have overlooked it.

Q. Do you remember any effort you made to leave the regiment after hearing of that transaction?

A. Not being aware of such a transaction, its occurrence did not determine me to leave.

Q. About what time were you transferred from that command?

A. In the latter part of March or the first of April; it was when John Morgan returned from Kentucky.

Q. How soon after that did you start on the raid that you testified to the other day?

A. I think we started in May, 1863; it may have been the first of June.

Q. When did you say you were captured?

A. July 19, 1863.

Q. Where?

A. Near Buffington, Ohio, a mile or so from that place.

Q. At what time in the day or night?

A. About noon.

Q. Where had you been the week previous to your capture?

A. I was making pretty quick time through Indiana and Ohio.

Q. Where had you been the week previous to your capture?

A. It would be hard to name the places where I had been; we went through Corydon, Salem and Lexington. We went around several small places and passed through several villages, Hamilton among others.

Q. Do you remember going through a place called Jackson, in Ohio?

A. I do not think I do.

Q. Do you recollect about burning depots?

A. I saw quite a number of depots burned on the trip.

Q. Do you recollect about there being a depot burned at that place?

A. I could not say; I could not specify any particular place; I never had anything to do with burning any buildings myself.

Q. Do you know anything about banks being robbed at Jackson?

A. I heard of banks being robbed, but did not know of any being robbed on our trip.

Q. Did you see any money when you were at Jackson?

A. No, sir.

Q. Are you positive of that?

A. On my oath I did not; I did not have a greenback while on that trip.

Q. Do you know whether there were stores broken open, and horses stolen by this command in this county, near Harrison?

A. I think there were in Harrison.

Q. You say you heard of banks being broken open; did you ever see any money that was marked "Q"?

A. No, sir; I did not.

Q. How long was it from the time this raid through Indiana and Ohio commenced until you were captured?

A. I cannot state positively the precise date we left Tennessee; I think we left the latter part of May or the first of June; that is my impression.

Q. Where were you first taken when you were captured ?

A. I was taken down to Buffington, and there put on board of a steamboat and sent to Camp Morton.

Q. How long did you remain at Camp Morton ?

A. I do not know how long it required to go from Buffington to Camp Morton.

Q. How long did you remain at Camp Morton ?

A. I think two or three weeks ; if I knew the date of my arrival I could tell exactly.

Q. How many prisoners were taken with you at the time you went from Camp Morton to Camp Douglas ?

A. I think two regiments went with us ; the fourteenth Kentucky, I think the seventh Kentucky, and perhaps the eighth, though I do not know positively.

Q. Do you remember what commissioned officers besides yourself were taken to Camp Douglas at this time ?

A. I do not remember of any being taken.

Q. Do you know any commissioned officer that was taken from Camp Morton to Camp Douglas at the same time you were ?

A. No, sir ; I know of none.

Q. Did you go among privates or officers ?

A. I went as a private among privates.

Q. Where was this captain's commission that you had ?

A. Among my papers in my saddlebags.

Q. How came you to go as a private to Camp Douglas with a captain's commission in your pocket ?

A. I did not have it in my pocket. When I surrendered, my horse was some distance from me. I have never seen my horse or my papers since.

Q. Explain what you mean by going as a private among privates, when you had a captain's commission.

A. There was a retaliation at the time generally against officers.

Q. Is that the reason you represented yourself a private ?

A. Yes, sir.

Q. And is that the reason you went to Camp Douglas as a private ?

A. Yes, sir.

Q. Did you ride the same horse all through this raid ?

A. Yes, sir. The same horse I started with was captured ; I borrowed a horse of a man and rode him two days on account of my horse being sore.

Q. Did you have the same horse when you got through that you had at the beginning of the raid ?

A. Yes, sir.

Q. What arms did you generally carry during that raid ?

A. A couple of Colt's six-shooters, and a portion of the time I had an Enfield rifle.

Q. Did you ever use them ?

A. Of course I did.

Q. In what service did you use them ?

A. Whenever we were attacked, and it was necessary, I generally used my gun, as a matter of course.

Q. Were you generally attacked through that raid ?

A. Yes, sir.

Q. You were generally attacked as you went on, were you ?

A. Yes, sir.

Q. Did you use your guns and pistols in self-defence ?

A. I thought so.

Q. Was that the general mode of operation during that raid, that yourself and the men with you used your weapons in self-defence ?

A. I heard Morgan state to a citizen that it was not his disposition to molest citizens.

Q. I ask you, did you molest citizens at all?

A. I think likely the command did; I never did.

Q. They did not follow General Morgan's orders, did they?

A. No, sir; I don't think they did in many respects.

Q. Do you mean to say that you went all through this raid fighting in self-defence; was that the object of this raid?

A. Well, I got in, and I had to get out.

Q. Do you mean to say the object of this raid was fighting in self-defence as you passed through Ohio and Indiana?

A. I could not say that it was.

Q. When you fired your gun during this raid, did you fire with the same Union mental reservation that you spoke of the other day?

A. I hadn't time to think about anything.

Q. Did you see any opportunity during this time that you were in the confederate service of running away with any Union men?

A. No, sir, I never did.

Q. You saw no such chances, did you?

A. No, sir, none that I am aware of.

Q. Could you have got through into the Union lines?

A. I could have done so by reporting to a home guard, who did not care whether a man was a rebel or not. If I could have surrendered to a regular officer of the United States army, I would have done so.

Q. Were you wishing for an opportunity of getting into the Union lines at that time?

A. I cannot say that I was.

Q. I understand you to say you arrived at Camp Douglas the 16th of August, 1863; how long was it before you applied to take the oath of allegiance?

A. I was just waiting for my term of service in the confederate army to expire to make my application.

Q. What did you want that to expire for?

A. I did not know that I could be regarded as a belligerent. I felt that I was carrying out the principle under which I acted.

Q. Do you mean the oath you had taken?

A. No, sir, I mean the political aspect in which I took the oath.

Q. How long was it after you got to Camp Douglas before you mentioned that you wished to take the oath of allegiance?

A. I think it was a month.

Q. How long before you mentioned it to Colonel Skinner?

A. I do not know that I ever mentioned it to him. My application was made in writing.

Q. You say you had no reason for delaying it except that your term of service in the confederate army had not expired?

A. That was the reason I waited.

Q. What time did you make this application to take the oath of allegiance?

A. In June last.

Q. What time did you take the oath?

A. The 5th of December, 1864, I think it was.

Q. Can you state why you waited from June to December, 1864?

A. That was in the hands of the authorities at Washington; I could not give any reason.

Q. When were you first notified that you would be permitted to take the oath?

A. I think it was on the evening of the 4th of December.

Q. Where were you then?

A. At Camp Douglas.

Q. What time did you come from Camp Douglas to Cincinnati ?

A. I left Camp Douglas on the 2d of January.

Q. Do you know of anybody else in or about Camp Douglas, who was engaged in this same kind of business you were ?

A. I do not know that I do ; there may have been other parties.

Q. Did you ever talk with any other persons than Colonel Sweet upon the subject of this conspiracy ?

A. I believe I talked to Colonel Skinner in regard to it, and to some detectives.

Q. Who ?

A. Mr. Keefe.

Q. Where did you talk with him ?

A. At Camp Douglas.

Q. During what length of time was Keefe at Camp Douglas ?

A. I do not know, sir ; he was perhaps engaged in it before I was aware of what he was doing.

Q. How long did you see him engaged in this ?

A. Two or three weeks.

Q. How many times did you talk with him ?

A. I only had one talk with him at Camp Douglas ; that was on the 3d of November.

Q. What time did you leave camp that evening ?

A. About seven or eight o'clock.

Q. Any one with you ?

A. Mr. Keefe.

Q. Any one else ?

A. No, sir.

Q. How far did Keefe go with you ?

A. To No. 6 Washington street.

Q. Where was he when you went to No. 6 Washington street ?

A. He was outside, sir.

Q. How soon did you see him after you left there ?

A. About five minutes after I left.

Q. Where did you see him ?

A. On the street.

Q. Where on the street ?

A. I think on the corner of Washington and State.

Q. How far from No. 6 Washington street ?

A. One or two blocks ; it is not far.

Q. Did you expect to find him there when you went out ?

A. I expect I did.

Q. Did you then know Mr. Keefe ?

A. No, sir.

Q. Have you seen him since you have been in Cincinnati ?

A. No, sir, I have not.

Q. Who else did you see about acting as detective ?

A. Mr. Barrett.

Q. Who else ?

A. Captain Nelson.

Q. Who else ?

A. They are all I saw.

Q. Did you ever see anybody by the name of Langhorn ?

A. I never knew him until just before I started here, I never knew him until within a few days before starting here.

Q. How many days ?

A. Possibly three or four days.

Q. Did you ever see him before?

A. I saw him at headquarters, but did not know his name?

Q. Did you know him by any different name?

A. I do not recollect whether I did or not.

Q. Do you mean to say you do not know whether you knew him by any other name?

A. I think I have heard him called Johnson.

Q. Did you know that you had heard him called Johnson, when I asked you a moment ago?

A. No, sir, I did not think of it.

Q. Have you talked with Langhorn since this trial commenced?

A. Not upon the subject of this testimony.

Q. Have you talked with him on the subject of this conspiracy?

A. No, sir; I think I told Mr. Langhorn, by direction of the judge advocate, that we were not to hold conversation, not even to read newspapers.

Q. Do you know where he stops in the city?

A. Yes, sir; room No. 162 Spencer House.

Q. Where do you stop?

A. In the same room.

Q. Did you talk with him, about this conspiracy, before the judge advocate told you this?

A. I never knew anything of what his testimony would be, nor he of mine.

Q. How did you enter your name at the Richmond House?

A. J. T. Thompson, Springfield House, Illinois?

Q. What was the substance of the note you sent up?

A. I requested to see him at half past seven o'clock; I signed, "Thompson."

Q. Did you go up?

A. No, sir; I sent the card up, and he was not in.

Q. Did you make any explanation in the note as to who you were?

A. No, sir; I do not think I did.

Q. When did you see Grenfel first?

A. I saw him when he received my note at the office; I spoke to him, and I think we went to his room.

Q. Did he receive your note at the office?

A. I am not positive; I think it was Fielding received my note in the office. I think Grenfel received my note in his room.

Q. Who took it to him?

A. I think a servant.

Q. Are you sure about this?

A. I am pretty satisfied it was so.

Q. Did you see a servant take it to his room?

A. I do not know, but there were servants about.

Q. Did you see any servant start with that note to Grenfel's room?

A. I saw a servant start, or what I presume was a servant.

Q. Do you know that it was a servant?

A. My impression is that it was a black or mulatto servant.

Q. Would you swear to that?

A. I would not be positive.

Q. What time did you see this note taken up?

A. Perhaps seven o'clock.

Q. Do you know where the note remained from four till seven?

A. After the note was written and taken up, it was returned, and stuck in a pigeon-hole in the office.

Q. How long did you wait for a reply?

A. Until the note was returned, and the clerk reported that the colonel was not in.

Q. When did you first see him?

A. I saw him pass up to his room, and recognized him.

Q. Where did you first speak to him?

A. In his room.

Q. About what time?

A. About half past seven.

Q. Did you see any one else in his room at that time?

A. No, sir.

Q. Had you ever in your life spoken before or with Grenfel before you spoke to him in his room?

A. I have, sir.

Q. Where had you spoken to him before?

A. I was introduced to him by General Morgan, I think, at his headquarters, six miles from Murfreesboro'.

Q. What was your position, at this time, in the army?

A. I was then in the subsistence department, with the rank of captain.

Q. Had you any business with Grenfel?

A. No, sir.

Q. Was that the only time you ever saw him, before you met him in this room?

A. I think I met him afterwards.

Q. Did you talk with him?

A. I think I met him at the residence of Morgan's father-in-law.

Q. Did you ever talk with him, except at that time?

A. I met him frequently in Murfreesboro', but I do not think I talked with him.

Q. What was the name of Morgan's father-in-law?

A. I think Brady; I was boarding right opposite his house.

Q. When you went up to Grenfel's room that night, how long did you remain?

A. Perhaps an hour.

Q. Was any one else in his room at the time?

A. Not that I saw.

Q. Who did you see, after you left his room that night, before you went there again?

A. I saw Mr. Keefe.

Q. Where did you see him?

A. Out on the street, opposite the Richmond House.

Q. Was he in your room at any time?

A. No, sir; not until after I was arrested.

Q. When you went up to Grenfel's room again, did you go alone?

A. I do not remember whether I did or not. I must have gone alone; I do not remember any person going with me.

Q. Do you remember going with any person?

A. I do not, sir.

Q. Where did you leave Keefe when you went to his room last time?

A. I left him going towards the Tremont House.

Q. How long did you remain in Grenfel's room the second time you went there?

A. It must have been near twelve o'clock when I left.

Q. Did you remain, the second time you were there, till you left with Fielding?

A. Yes, sir; I did not come out until I left with Mr. Fielding to go to my room.

Q. Was the door shut all the time you were in Grenfel's room?

A. Yes, sir.

Q. Did you ever talk with Fielding or Grenfel, in relation to this subject, except in those rooms?

A. No, sir; only in those rooms.

Q. Had you ever any arms with you at that time?

A. I had, sir.

Q. What arms?

A. A pair of Derringer pistols.

Q. Have you told now, in answer to the questions put by the judge advocate, and in answer to the questions I have put to you, all that has occurred in relation to Grenfel, that you remember?

A. To the best of my knowledge and belief, I have.

Q. Did you see Grenfel again from the time you left his room, at half past seven, to the time you went to his room afterwards?

A. I did not, to my recollection; I went there, the last time, about half past nine.

Q. Can you remember anything in the conference with Grenfel that you have not stated?

A. I cannot.

Q. Did you not buy a bottle of brandy and take to Grenfel?

A. I remember sending for a bottle of brandy, and having it brought in.

Q. Did you not buy a bottle of brandy and have it sent up?

A. No, sir; I had it sent in from my room.

Q. When did you pay for it?

A. On the evening of the 3d of November.

Q. How long before you went to Grenfel's room the last time?

A. I do not know whether it was the first or second interview. I know I had a bottle of brandy sent up to my room, and I rang the bell, and had the bottle brought from my room to Grenfel's.

Q. When did you pay for the bottle of brandy that you had brought to Grenfel's room?

A. I do not remember, but it was some time during the evening that I left Grenfel's room the first time.

Q. How long before you went up to the half past nine interview?

A. I do not know; it may have been perhaps half an hour.

Q. Whom did you pay for this bottle of brandy?

A. The clerk.

Q. Will you swear that you did not take that bottle of brandy into Grenfel's room when you went in?

A. I will, sir; I can point out the servant that brought it in, if he is still at the Richmond House.

Q. Will you swear that you did not take it up to your own room yourself?

A. I will, sir.

Q. Where was Keefe at the time you brought that brandy?

A. I do not know.

Q. Had you any talk with him about buying that brandy and taking it up?

A. No, sir; not a word.

Q. Have you any knowledge or any recollection of any horses that Grenfel had being pressed at a certain time?

A. I heard of it some months after its occurrence.

Q. Had you anything to do with pressing them?

A. No, sir. There were five men whom I had recruited at Murfreesboro' who had no horses; they went on, but were not mounted. I never heard of them until six months afterwards, and I learned that they had pressed some of Grenfel's horses. Grenfel followed them and had them arrested.

Q. Did you make any statement respecting this in writing?

A. Not that I remember.

Q. Did you write any note about it?

A. I may have done so; I had authority from the quartermaster to mount my men.

Q. How much money had you when you were captured?

A. About \$400 in confederate money.

Q. Anything else?

A. I had no other money at all.

Q. What did you do with this confederate money?

A. I gave it to a lieutenant of Colonel Jacob's regiment; made him a present of it.

Q. Where did you get the money that you bought that brandy with?

A. I think Keefe gave me that money.

Q. When did he give it to you?

A. I do not remember the day; it was about a day before I went to the Richmond House.

Q. How much?

A. \$15 to \$20.

Q. Did he take any memorandum of it?

A. He did; I did not.

Q. What did he give it to you for?

A. I suppose for paying any expenses I should incur.

Q. What expenses was it anticipated you should incur?

A. Paying my hotel bill.

Q. Anything else?

A. I was treating liberally; my object was to make friends, and to do so of course I had to be social.

Q. Was this your object in taking this brandy into Grenfel's room?

A. No, sir; it was to manifest my sociability. All friends, you know, take drinks together occasionally.

Q. Did Keefe give you any other money?

A. No, sir.

Q. Did any one else give you any money?

A. None but what I worked for. I have drawn my salary.

Q. What salary?

A. My salary as clerk.

Q. When did that salary commence?

A. From the 5th of December last, when I commenced clerking.

Q. How much were you getting?

A. A hundred dollars a month and one ration.

Q. Previous to the 5th of December, how much money did you ever receive from anybody?

A. I have had money given to me.

Q. Who gave it to you?

A. I do not know any particular party.

Q. Did persons give you money without you knowing their name, or who they were?

A. I think I can show the name of one gentleman.

Q. How much money have you had?

A. I have had as much as \$50 on deposit.

Q. Who gave it to you?

A. A gentleman from Tennessee, by the name of Robertson, gave me some; five or six gave me money.

Q. Do you not remember who gave you money?

A. Mr. Wheelan has given me as much as \$40 in the course of a month.

Q. Do you remember any one else?

A. Mr. Robertson gave me some that was deposited at headquarters.

Q. How much did he give you?

A. I think it was \$25; and an old gentleman by the name of Rice gave me \$10.

Q. What was that for?

A. I suppose to buy tobacco with.

Q. I understood you to say to the judge advocate that you never had received any pay, and were not employed under any compensation there; am I right?

A. I never received a cent of pay, nor the promise of any.

Q. Did you state the other day that you had been under pay since the 5th of December?

A. If he asked me that question, I did.

Q. Do you remember whether you stated anything on that subject?

A. I do not remember.

Q. Do you remember whether the judge advocate's question was general?

A. If he asked that question, I only applied it to the time I was operating in Chicago.

Q. Do you remember whether the judge advocate's question was general as to whether you had been employed at all by the government, or whether it was limited to any definite time?

A. I do not remember whether it was general or specific.

Q. If you answered it generally as to whether you had been in the employ of the government, did you remember or not that you had been under pay since the 5th of December?

A. My reply to his question only referred to that portion of the time that I was operating in Chicago, prior to my release.

Q. Did you so state in your reply?

A. I do not know that I did.

Q. Why did you not?

A. I understood his question referred to prior to the 5th of December.

Q. What services have you been rendering to the government since the 5th of December, different from your services prior to that time?

A. I was clerk in the commissary department.

Q. Did you distinguish, in making your answer, as between your services in this case and the services you rendered as clerk?

A. My answer applied to the services I rendered between the 3d of November and the 5th of December.

Q. Then your answer did not apply at all to any service you have done since the 5th of December?

A. No, sir.

Q. Did you understand the question of the judge advocate to be directed to making a distinction between the services rendered in this capacity and the other?

A. I did.

Q. You meant your answer then to make the distinction, that what you received was for the other services?

A. Yes, sir; for my services as clerk.

Q. What else occurred in Grenfel's room before you and Keefe left it?

A. The last thing that I remember, Grenfel said he was quite unwell, and we walked out of his room and went into mine.

Q. What else was said in Grenfel's room?

A. I do not remember the last remark that was made.

Q. Do you remember whether or not Grenfel told you and the other man to leave his room?

A. No, sir; the moment he complained of feeling unwell, I suggested to Mr. Fielding to go to my room.

Q. Cannot you remember the last subject talked of in his room, in reference to this conspiracy?

A. We were talking about the plan of attack; our conversation was generally in regard to the men, and the means, where they were to come from, &c.

Q. When you left, did you tell Grenfel when you would come back again?

A. I do not know that I did.

Q. Did you go back to his room until the time of his arrest?

A. No, sir.

Q. Did you see him after you left him, before he was arrested?

A. No, sir.

Q. Had you no conversation afterwards?

A. No, sir.

Q. Do I understand you to say that you had no conversation with Grenfel or Fielding, except in these rooms, and with the door closed?

A. That is all, sir.

Q. If you had no conversation except in your own rooms, where were these men that you testified to, in your direct examination, on the second or third floor?

A. In passing from Grenfel's room to my own, there were five or six men passed out. I asked Fielding who they were, and he said they were a portion of the men he referred to; I think he named one or two of them, and I remember looking at them as they went down the steps.

Q. Did you see Keefe after leaving that room that night, and before your arrest?

A. Yes, sir; I saw him on the street.

Q. Where was Fielding going when he left your room?

A. He said he was going to Bridgeport, to notify Mr. Ware and Mr. Gray; that is what he stated to me.

Q. What time was it that Fielding left your room?

A. Between one and two o'clock.

Q. You say there was an understanding between Fielding and yourself that you were to meet again; when was this to be?

A. At eight o'clock next morning, at my room.

Q. What time was the attack to be made on the camp?

A. About seven o'clock on the evening of the 8th.

Q. What time were you to start from the city?

A. My men were to commence coming up about 4 o'clock.

Q. Did you say that the reason you were to attack with pistols instead of guns was that you would excite less suspicion as you went up, if you carried pistols, than if you had guns?

A. Yes, sir; that was it.

Q. After you arrived in Camp Douglas, did you receive any appointments or any position there from any of the confederate prisoners?

A. I was acting sergeant major.

Q. How did you come to be acting sergeant major?

A. At the request of the regiment; this was after I arrived at Camp Douglas.

Q. How long?

A. Perhaps within a week or two.

Q. How long did you hold that position?

A. I think till October or November.

Q. Who was Dr. Wheeler?

A. Post surgeon in the Union forces.

Q. Did you receive pay from him all the time?

A. Only as he saw proper; I received pay not as compensation, but as presents.

Q. How much did you receive?

A. Seventy-five or one hundred dollars; I was clerking for him six months.

Q. What was his name?

A. A. F. Wheeler.

Q. Why did you not mention this the other day when asked about compensation?

A. I did not regard it as applicable to the question propounded by the judge advocate.

Q. Who first spoke to you in reference to your becoming a detective?

A. Colonel Skinner, I believe.

Q. When was that?

A. On the third of November, 1864.

Q. Who first made the proposal?

A. Colonel Skinner first asked me if I would go into detecting these confederate officers, and ascertain if there were confederate officers in Chicago for illegitimate purposes.

Q. What other appointment had you in Camp Douglas besides the one spoken of?

A. For about two weeks I delivered the rebel mail after the letters were examined at headquarters; after I went to Doctor Wheeler Mr. Cunningham took my place.

Q. Did letters or parcels for your regiment pass through your hands?

A. There was only one package or box, which I delivered over to Mr. Cunningham, and I think he delivered it over to Sergeant Bark.

Q. At the time you were arrested at the Richmond House, what did they do with you?

A. They handcuffed me and carried me to Camp Douglas.

Q. Who handcuffed you?

A. I do not remember whether it was Captain Fedderplace or Keefe; he came in and pointed me out to the guard.

Q. Did you know before they came that they were coming?

A. Yes, sir.

Q. How long before?

A. Perhaps an hour.

Q. When was the first time you knew that arrests were to be made that night?

A. I learned it from Keefe, at perhaps two o'clock.

Q. Did you resist or make any effort to escape?

A. No, sir.

Q. Were your pistols all well loaded?

A. Yes, sir.

Q. Where did you get those pistols?

A. From Mr. Keefe, I think.

Q. Do you remember any men of the advanced guard that went with you through this raid, that were arrested and put in prison with you, either in Camp Morton or Camp Douglas?

A. There may have been some at Camp Douglas. I knew some of them at the time, and some of them are at Johnson's island.

Q. Do you know of any men in the advance guard that were put in Camp Morton or Camp Douglas?

A. Windman and Row, who were with me, I think, were arrested and put in Camp Douglas.

Q. Do you know any others?

A. No, sir; I know of two or three who have died there; I do not recollect the names, but I could refer to the register and ascertain the names.

Q. You stated you first knew Grenfel by his dog; where did you first see that dog?

A. I had a dog down south which I exchanged for that dog; I am not positive, but I think it is the same.

Q. When did you see that dog down south?

A. I think I saw it at Tullahoma; Grenfel was there before Bragg fell back.

Q. Do you know if he had any dog?

A. I know he had a dog, and I think it was the same.

Q. Describe that dog, if you please?

A. I cannot do it; I have not recollection of it particularly.

Q. Describe it as nearly as you can; I mean the dog you say he had down south?

A. My impression is that the dog I saw was yellow or spotted.

Q. Do you remember whether the dog you saw at the Richmond House was yellow or spotted?

A. I cannot remark.

Q. Did the dog recognize you?

A. He received me cordially, like his master.

Q. Do you remember whether the dog you saw at the Richmond House was a yellow or spotted dog?

A. I took it for granted it was the same dog, and I was fondling with the dog when I went into Grenfel's room.

Q. When you were first examined, did you not say that you knew Grenfel by knowing his dog?

A. I recognized the dog, and I believe it was the same I saw down south. My impression was derived from a wound the dog had received in his side.

Q. Did you not see any other dogs down south that had bullet wounds in their sides?

A. Yes, sir, a great many; and some in their backs too.

Q. Did you see any women or children when you went on this raid that had bullets in their backs?

A. No, sir, I did not.

(T. M. Key, esq., of counsel for accused, then cross-examined the witness on behalf of Charles T. Daniel.)

By the accused:

Q. Had you any personal acquaintance with the prisoner Daniel?

A. Yes, sir; I met him, but I was not an intimate acquaintance of his; our first acquaintance was at Camp Morton; our bunks were near together.

Q. Did you have any personal acquaintance with him in the army?

A. I knew him when I saw him, that was about all.

Q. Was he not a private in company C, fourteenth Kentucky?

A. He was either a private or sergeant.

Q. Were you not in company A at the same time?

A. No, sir; I reported as private at my own request, with some friends; I remained two weeks; we were then on the Cumberland river.

Q. Did you, at any time, act in any capacity except as private soldier?

A. No, sir, not in that regiment.

Q. Did you, at any time, act in any capacity in the raid with Morgan?

A. No, sir; except in special detail.

Q. Were you ever detailed specially?

A. Yes, sir.

Q. By whom?

A. By Captain Hines, one time when he had charge of the regiment; I was afterwards sent by Dick Morgan to the advance, but I do not remember the place or the precise time.

Q. What did you represent yourself to be when you were captured?

A. A private.

Q. Were you afterwards elected to any office by the regiment?

A. I was made sergeant major of the regiment at Camp Douglas.

Q. Did you resign?

A. I was selected by Dr. Wheeler as his clerk, and I turned my position over to Sergeant Burke.

Q. Were you compelled by the regiment to resign?

A. No, sir.

Q. How strong was the regiment?

A. I reported 271 men, I think; there were four partial companies, A, B, C, and D.

Q. Were there not only about eighty men in the regiment?

A. No, sir; there were more. I reported fifty-six men in company A.

Q. I understand you to say you did not see Daniel at Camp Douglas?

A. I say if I saw him I have no recollection.

Q. Were you postmaster?

A. Yes, sir.

Q. By whom appointed?

A. I was appointed to deliver letters.

Q. Did you not deliver letters to Daniel?

A. I may have done so, but I have no recollection of seeing him.

Q. Do you recollect smuggling some whiskey into camp for him?

A. No, sir; I know I ran the blockade to get some whiskey.

Q. Did you ever hear a discussion between Colonel Brent and General Morgan as to who was the meanest man in their respective regiments, and Colonel Brent said you were?

A. No, sir.

Q. How many wives have you?

A. I am not married.

Q. Have you not a wife in Texas, and another in Mississippi?

A. No, sir.

(Objected to by the judge advocate as immaterial and illegitimate. Objection withdrawn.)

Counsel: I desire to ask this witness whether he has not a wife in Texas, also a wife in Mississippi, and whether he did not attempt to marry a third in McMinnville, Tennessee?

Witness. I have not sir.

Q. Do you remember Daniel making his escape from Camp Douglas?

A. No, sir; there have been so many escapes I cannot particularize any of them. My impression was that he escaped from Camp Morton, but I am not positive. I have no recollection of seeing him in Camp Douglas at all.

Robert Hervey, esq., of counsel for Buckner S. Morris, desired an adjournment on behalf of his client till to-morrow, to permit an application to be made to the commanding general for Mrs. Morris to be present in court while the witness was being examined in reference to what took place between himself and Mr. and Mrs. Morris. He deemed her presence and suggestions of great importance to his client.

The court was then cleared for deliberation. On being reopened, the judge advocate announced to the accused that the commission consented to the postponement of the examination of witness now upon the stand, to permit the application of the counsel for the presence of Mrs. Morris to be made.

The commission declined to adjourn, but would proceed with the examination of the next witness.

FREDERICK H. HALL, a witness for the government, was then introduced, and being duly sworn by the judge advocate, testified as follows :

By the JUDGE ADVOCATE :

Q. State your name, and place of residence, and occupation ?

A. Frederick H. Hall ; Washington, District of Columbia ; clerk in the office of the Secretary of War.

Q. Have you ever met the accused, Colonel Grenfel ?

A. Yes.

Q. Where ?

A. At Washington, in the War Office.

Q. When ?

A. On the 15th of June, 1864.

Q. State how you came to see him, and what took place, as near as you can remember ?

A. On the 13th of June, Grenfel reported to the then military governor of Washington, Colonel Wisewell, and talked to Colonel Reid, and the assistant adjutant general ; and on the 15th of June he was presented to the Secretary of War. Major Grenfel stated that he had left the confederate service with the intention of returning to England ; he had left Wilmington about the 12th of May ; had run the blockade to Havana, and finding the steamer to Halifax would not sail for three weeks, and being desirous of returning to England, went to our consul at Havana, and expressed a desire to obtain a letter to the provost marshal of New York, so that in case he went to that city, there would not be any suspicion cast upon him as a spy. The consul gave him a letter to the Secretary of War, which he presented to him. He stated these facts to the Secretary, told what connection he had had with the confederate service from March, 1862, when he was nominated aide-de-camp on Beauregard's staff, down to January, 1864, when he finally resigned.

Q. In whose presence was this statement made ?

A. In the War Office, in Secretary Stanton's room, in his and my presence.

Q. Was that statement reduced to writing by any person ?

A. That statement was made by Grenfel and reduced to writing by myself. (A written statement was here shown the witness by the judge advocate.)

Q. Is this the statement made by Grenfel, and written out by you ?

A. This is the one.

(The original paper was here offered in evidence by the judge advocate, marked Government Exhibit U, and hereto attached, and made part of this record.)

Q. State what he stated to the Secretary of War at that time in reference to his future movements.

A. He stated to the Secretary that although he had served in the confederate service, it was only as a general volunteer, or private ; he had never accepted any other position, either lieutenant colonel, or colonel, or brigadier, which ranks, he said, were offered him by Jeff. Davis. That he did not in any way hold himself bound to the confederate government ; that he was perfectly willing to enter the service of the federal government ; one thing which restrained him being his fear that his position would be misunderstood by the confederate authorities, but still he had no unwillingness to enter our service, and felt himself bound in honor towards the confederate government ; yet his intention was to return immediately to England ; that he was willing to take the oath of amnesty, the neutral oath.

Q. Did he give any information as to the strength of the confederate forces when he reported ?

A. He gave certain information as to the confederate forces under Wheeler, Forrest, Roddy, and J. B. Stewart, also information to a certain extent (this was in May) as to the movement of troops from North and South Carolina up

towards Petersburg, and incidentally one or two facts in relation to other military departments.

Q. Did you get any information that had not otherwise been received at the War Office, in regard to iron-clads ?

A. Yes, sir ; in regard to a confederate iron-clad that had been grounded near Wilmington.

Q. Did he decline to give information in other particulars ?

A. No, sir ; he expressed a perfect willingness to explain all in his power to the government.

Q. What was done by the Secretary of War—what privileges or rights were extended to him ?

A. He allowed Major Grenfel to depart, to leave the city, to go wherever he pleased, without any instruction to report, or without any officer being stationed to watch his movements.

Q. He announced his intention to go where ?

A. To Great Britain.

Q. Permanently, or only temporarily ?

A. That he did not state.

Q. When was this ?

A. On the 15th of June, 1864.

Q. Did you learn whether his intention was to go immediately to Great Britain ?

A. The word he used was immediately.

Q. Do you recognize Grenfel present ?

A. I am short-sighted. (The witness goes up towards the accused, and recognizes Grenfel.)

The written statement made by the accused to the witness being read to the commission, was offered in evidence, marked U, hereto attached, and made part of this record.

Q. Was this statement taken by you ?

A. It was taken in short-hand by me and reduced to writing at the time.

No cross-examination.

The commission adjourned to meet Tuesday, January 24, 1865, at 11 o'clock a. m.

COURT-ROOM, CINCINNATI, OHIO,

January 24, 1864—11 o'clock a. m.

The commission met pursuant to adjournment. All the members present ; also the judge advocate and the assistant counsel, the accused and their counsel.

The proceedings were read and approved.

The examination of John T. Shanks, a witness for the government, was resumed as follows :

By Judge WILSON :

Q. When did you say you went to the Richmond House to see if the were any confederate officers there ?

A. I went there on the night of the 6th of November.

Q. How did you ascertain that Grenfel was there ?

A. I ascertained it from the register of arrivals kept at the Richmond House, where I saw his name.

Q. How was it registered ?

A. G. St. Leger Grenfel, Great Britain.

Q. Did you notice in whose handwriting ?

A. My impression is that it was in his own handwriting.

Q. When did the entry appear to have been made in the book?

A. A day or two before.

By the COURT:

Q. Did you make a mistake yesterday when you stated you were there on the 3d?

A. If I stated that, it was an error.

By ROBERT HERVEY, Esq.:

Q. I understood you to say that you were a native of the State of Texas; am I correct?

A. Yes, sir.

Q. Where were you born?

A. Within four miles of Nacogdoches.

Q. In what year?

A. In 1832.

Q. From what part of the United States or elsewhere did your father emigrate to Texas?

A. From Virginia.

Q. What was his business?

A. He was a mechanic, and afterwards became a farmer. He was in the military service there under General Houston.

Q. How long did you remain at home on your father's farm before you went to do anything for yourself?

A. I went to school. When I was about fifteen or sixteen years of age, I went as a clerk in the office of the district court of the county of Nacogdoches.

Q. How long did you remain in that employment?

A. Some three or four years; afterwards I became deputy clerk.

Q. Do you know what year it was that you went into the service of this clerk at Nacogdoches?

A. I was between fifteen and sixteen years of age; I think it was the latter part of 1847.

Q. How long did you remain in that employment?

A. Four or five years, I think; I was not twenty-one years of age when I was acting as deputy clerk.

Q. What were the duties of the district clerk?

A. To keep a record of all civil and criminal suits. I remained in the office perhaps twelve months before I was made deputy. The district court was elected every four years.

Q. What was the name of the clerk?

A. Richard Parmelee Robertson.

Q. Was that the man that was arrested and tried for the murder of Helen Jewett?

A. It was.

Q. Did you know he was the man?

A. Not until I had been with him several years.

Q. When did you first learn that this Richard Parmelee was Richard Parmelee Robertson?

A. He sent me a book giving me an account of it; that was the first intimation that I had that he was the individual.

Q. How far is it from Nacogdoches to Austin?

A. The stage fare charges for three hundred miles.

Q. Where did you go when you left the employment of Richard Parmelee Robertson?

A. I was appointed assistant clerk of the supreme court of Tyler and Smith counties. Tyler was the county seat.

Q. How far was that from Nacogdoches ?

A. About 85 miles.

Q. Is it in the direction of Austin ?

A. No, sir ; Austin is due west ; Tyler is northwest.

Q. How long did you remain in the capacity of clerk of the supreme court of those counties ?

A. For about six months.

Q. Do you recollect in what year you got that appointment ?

A. No, sir ; I do not. I think it might be 1851 or 1852 ; it may have been sooner or later. I continued to do the duties of that office for six months.

Q. Where did you go then ?

A. Marshall, Harrison county, Texas.

Q. What were you doing there ?

A. I was then deputy clerk of the district court of that county.

Q. How long did you remain in that position ?

A. About twelve months ; till the expiration of the term of office of clerk.

Q. Where is that ?

A. In the eastern portion of the State, about 90 miles northeast of Nacogdoches. The county is right on the line of Louisiana and Texas, 45 miles from Shreveport, in Louisiana.

Q. After you left that position where did you go ?

A. To Jefferson, in Texas, 16 miles from North Marshall. I was bookkeeper for a wholesale house there.

Q. What was the name of the house ?

A. Wills & Tuttle.

Q. What was their business ?

A. Dry goods and groceries.

Q. How long did you remain there ?

A. Till 1854.

Q. Where did you go then ?

A. To New Orleans.

Q. What did you do there ?

A. I acted as agent or salesman for a wholesale grocery house.

Q. How long did you serve there ?

A. Two years.

Q. Where did you go then ?

A. To Austin, Texas.

Q. How were you employed there ?

A. In the general land office.

Q. How long did you remain there ?

A. Two years ; till March, 1858.

Q. Who was the principal of the office at that time ?

A. Stephen Crosby ; he was commissioner of the land office, elected by a proper vote of the people.

Q. Did you then go into business for yourself ?

A. Yes, sir ; at Weatherford, Parker county.

Q. How long did you remain there ?

A. Till just before the inauguration of General Houston as governor ; I think it was the 21st of December, 1859.

Q. Where did you go then ?

A. I remained at Austin till I enlisted in this company.

Q. How long did you remain in business for yourself ?

A. Till the inauguration of General Houston. I went to Austin, and was present at the inauguration. I was clerking for General Houston till I enlisted in the confederate army. I enlisted at Austin.

Q. I understood you to say, in your examination in chief, that at the time of your enlistment you were a merchant and stock-raiser at Nacogdoches, were you?

A. I claim Nacogdoches as my home.

Q. Did you, or did you not, say, in answer to the judge advocate, when inquired of about your business, that, at the time of your enlistment, you were a merchant and stock-raiser at Nacogdoches?

A. If I did, I was in error.

Q. Then you were not a merchant and stock-raiser?

A. In a different portion of the State I was.

Q. What were you at the time of your enlistment?

A. A merchant and stock-raiser.

Q. I thought you said you were clerk?

A. I was; my business was going on at Weatherford at the time I was at Austin.

Q. Then you had no business at the time of your enlistment?

A. My being at Austin did not interfere with my business at home in Parker county.

Q. What was your business?

A. Selling goods in Weatherford, and I had a ranch 15 miles away.

Q. Did you not say that you entered the confederate service in February, 1861?

A. I enlisted in April, I think.

Q. Did you state, in answer to the question by the judge advocate, that you enlisted in the confederate service on the 26th of February?

A. If I stated the 26th of February, it is an error in the evidence.

Q. When did you enlist?

A. Immediately after the adjournment of the convention. I think the convention left on the 4th of March, and I think it must have been in the latter part of March, or the beginning of April, that I enlisted. It may have been on the 26th of March.

Q. Had the convention at the time of your enlistment resolved to secede from the United States?

A. Yes, sir; the ordinance of secession had been submitted to the people, voted upon, and ratified. Immediately afterwards I enlisted in the confederate service.

Q. I understood you to say that you were captured in Ohio, July, 1863, while under the command of John Morgan?

A. Yes, sir.

Q. And that some time in August, 1863, you, with other prisoners, were transported to Camp Douglas?

A. Yes, sir; that is correct.

(Objected to by a member of the court, as all the particulars of the capture had been gone over and withdrawn.)

Q. How soon after you were taken to Camp Douglas were you placed in any position of trust?

A. The only position of trust I remember of holding was that of clerk. I do not remember the precise time that I went clerking for Dr. Wheelan.

Q. How soon after your arrival were you a clerk for Dr. Wheelan?

A. It may have been a month or so.

Q. What were your duties for Dr. Wheelan?

A. I had to keep a correct statement of all patients admitted to the hospital, to keep a record of all the deaths that occurred, make out reports for the Surgeon General at Washington, and weekly to the medical director at Chicago, and general clerking at the department.

Q. Were you ever appointed to take charge of the letters received for confederate prisoners at that camp? And if so, when, and what were your duties?

(The judge advocate objected to any further examination upon illegitimate and immaterial matter.)

The court was then cleared for deliberation. On being reopened, the judge advocate announced to the accused that the objection was sustained.)

Q. Did you ever, during the time you were employed as clerk, as having the custody of the prison mails at Camp Douglas, take a draft of thirty dollars out of a letter, and appropriate the proceeds to your own use?

(Question objected to by the judge advocate as illegitimate and immaterial. After discussion the objection was withdrawn.)

A. I did not.

Q. Did you forge an indorsement on such a draft?

A. I did not.

Q. Were you, Mr. Shanks, ever arrested, tried, convicted, and sentenced for the crime of felony in Texas?

(Question objected to by the judge advocate as illegitimate and immaterial.

The court was then cleared for deliberation. On being reopened, the judge advocate announced to the accused that the objection was sustained.)

The witness here desired the court to be permitted, as a matter of right to himself, to answer the question.

Permission being given by the court, the witness answered—

A. I never was.

A member of the court here moved that the answer of the witness be stricken from the record.

The court was then cleared for deliberation. On being reopened, the judge advocate announced to the accused that the motion of a member of the court to expunge the answer was overruled, and the commission directs that it be now entered on record that permission was granted to the witness to reply by misapprehension, and that, in fact, a majority of the members of the court did not grant such permission, but that being on record, it cannot now be expunged.

Q. When were you first permitted the privilege of going about the city under the guard of an officer?

A. The first time, I think, I went was in January, 1864.

Q. Was that restraint continued upon you up to the third day of November of that year?

A. I went out some three or four times between those two dates.

Q. Had you been allowed to frequent places of public amusement, between January and November, in company with an officer?

A. I have, sir.

Q. How frequently?

A. I think I was once at the theatre—only once, if I remember right.

Q. When did you first become acquainted with Mrs. Morris, and where did you first see her?

A. It was in the winter of 1863—December, 1863, I think. I had met Mrs. Morris at Camp Douglas.

Q. Do you know whether Mrs. Morris had permission to visit the camp?

A. Yes, sir.

Q. Did she not have permission to send in clothing and supplies to the confederate prisoners?

A. Yes, sir.

Q. Was your first knowledge of Mrs. Morris at Camp Douglas?

A. My first acquaintance with her was there.

Q. Were you then a confederate prisoner of war?

A. I was, sir.

Q. I will ask you, sir, whether you ever made any application to Mrs. Morris for assistance from her in the way of clothing or money?

A. I have, I think, received clothing from her, and she supplied my wants.

Q. Did you ever make an application to a Mrs. McKaw, of Lexington, for money, which came to you through Mrs. Morris?

(Question objected to by the judge advocate. Question waived.)

Q. You stated in your examination in chief, did you not, that, on the evening of the third of November, you had permission to go out (without being accompanied by an officer) on special business?

A. Yes, sir.

Q. Who directed you to go out, on the evening of the third of November, on special business?

A. I was acting under the direction of Colonel Sweet.

Q. Who is he?

A. He is commander of the post at Camp Douglas.

Q. Who first spoke to you about going on this special business? Did the communication come from any of the camp authorities, or did it come from you to the camp authorities?

A. The first intimation I had of it was from Colonel Skinner.

Q. Did Colonel Skinner approach you on the subject, or you Colonel Skinner?

A. Colonel Skinner approached me on the subject.

Q. Did Colonel Skinner, or Colonel Sweet, give you any directions to go to Judge Morris's house on the evening of the third of November?

A. My directions were not direct from Colonel Sweet or Colonel Skinner. I suppose one of them directed Mr. Keefe to point out the house to me.

Q. Were you instructed by Colonel Sweet, or Colonel Skinner, as a part of your especial business on that evening, to go to the house of Judge Morris?

A. Yes, sir.

Q. Then you went to Judge Morris's house by direction, did you?

A. Yes, sir.

Q. Did you get any directions from Colonel Sweet, or Colonel Skinner, or any of the other authorities at the camp, what you should do when you went to Judge Morris's house?

A. Yes, sir.

Q. State what you were directed to do?

A. I was directed to ascertain whether there were not some escaped prisoners secreted in the city which Judge or Mrs. Morris knew about. I was to request to be secreted with them. When I came out of the house, if I was sent anywhere by the judge, I was to be followed by Mr. Keefe and Mr. Barrett.

Q. Were you directed to represent yourself as an escaped prisoner of war, and solicit money from Mrs. Morris for the purpose of effecting your escape?

A. I was, sir.

Q. Who directed you to make that application to Mrs. Morris?

A. My instructions were from Keefe, and I suppose he had been instructed by Colonel Sweet.

Q. Who is Keefe?

A. He is a detective.

Q. How long have you known him?

A. I met him once before the day I started out. I may have seen him at camp frequently, but did not know who he was.

Q. Did not Mrs. Morris know, at the time you made the statement that you were an escaped prisoner, that you were not?

A. She did not act as if she did.

Q. Was she not aware that you were allowed to come out?

A. I do not know if she was or not; she never saw me before, that I know.

Q. Did she not say to you that she knew you were not an escaped prisoner?

A. If she did, I do not recollect it.

Q. What is your best recollection?

A. I do not recollect any conversation of that kind.

Q. Did you say to Mrs. Morris that you had just escaped from Camp Douglas?

A. Yes, sir.

Q. And that you had no friends outside of the confederate lines?

A. I did.

Q. And appealed as a prisoner to her, having sympathies, as you say, with the South, to assist you in getting away out of the State?

A. Yes, sir.

Q. Now, sir, when you made that statement to Mrs. Morris, that you were an escaped prisoner, that you had just escaped from camp, had no friends outside of the confederate lines to whom you could apply for assistance, and stated that you wanted to go away from the city, was that the truth, or was it a falsehood?

A. I was, of course, sailing under false colors.

Q. When you told Mrs. Morris what I have stated, did you tell her the truth or a falsehood?

A. I may have made a misstatement.

Q. Did you tell her the truth or did you tell her a falsehood?

A. I did not tell her the truth.

Q. You said that you asked Mrs. Morris whether you had better go to Kentucky or Canada, and you stated that you would be governed by her advice, as she was better posted than you, did you not?

A. Yes, sir.

Q. And you stated that you would go where she would direct?

A. Yes, sir.

Q. When you told Mrs. Morris that you would go to Kentucky or to Canada, as she should direct, did you tell her the truth or a falsehood?

A. I told her a falsehood.

Q. Now you say she gave you \$30 which you have produced here with a particular mark upon it. For what purpose did you lead Mrs. Morris to believe that you received that money?

A. To pay my expenses.

Q. Where?

A. On the railroad.

Q. Where to?

A. Cincinnati.

Q. Had you any intention of going to Cincinnati when you got that money from Mrs. Morris?

A. No, sir.

Q. Did you then, by making a false pretence to Mrs. Morris, wheedle her out of \$30?

A. I obtained \$30 from her.

Q. By a false pretence, did you not?

A. Yes, sir.

Q. Did you ask Mrs. Morris whether you could stay at her house all that night?

A. I did.

Q. What was her answer?

A. She said I could not stay.

Q. Did you ask her if she knew of any place in Chicago where you could be concealed so as not to be found by the authorities?

A. I think I did.

Q. What was her reply?

A. She said she did not know of any place at that time.

Q. When you represented yourself as an escaped prisoner, did you tell her the truth or did you tell her a falsehood?

A. I, of course, misrepresented myself.

Q. Had you any idea that the federal authorities were in pursuit of you?

- A. No, sir.
- Q. Who came from camp with you that night ?
- A. Mr. Keefe.
- Q. Where was Mr. Keefe when you went into Judge Morris's house ?
- A. He was out in the street.
- Q. Did he wait till you came out ?
- A. Yes, sir.
- Q. Did you join him after you left Judge Morris's house ?
- A. Yes, sir.
- Q. In the course of the conversation you say you had with Mrs. Morris, she gave you the name of a person to whom you could apply when you came to Cincinnati, as you had concluded to go to Kentucky ?
- A. The name was S. T. Taylor, Fourth street.
- Q. Had you ever been in Cincinnati before that ?
- A. I had passed through the city as a prisoner of war.
- Q. Were you ever here on any other occasion ?
- A. No, sir.
- Q. You stated, did you not, that you made an entry in a memorandum book of the name of this man Taylor, and the street in which he lived ?
- A. Yes, sir.
- Q. You said, I believe, that you made that entry in a particular way—that you made dashes for some of the letters so as not to write the name in full ?
- A. Yes, sir.
- Q. So that in case you were captured it would not be understood ?
- A. Yes, sir.
- Q. Was that what you said, sir ?
- A. If I did not say so, I intended to.
- Q. What did you say, in your examination in chief, was the reason that you made the writing in that particular way ?
- A. I might have said I did it to avoid detection. That was the idea I wanted to convey to Mrs. Morris.
- Q. Did you show Mrs. Morris what you had written ?
- A. Yes, sir ; she was standing close by my side when I was writing.
- Q. You say that when you got the money which you say she gave you, Judge Morris was not present ?
- A. No, sir, he was not.
- Q. You stated that Judge Morris, in conversation with you previous to that, stated that he did not wish to compromise himself ?
- A. Yes, sir.
- Q. Did Judge Morris say to you, "We cannot assist you ; it is contrary to the laws of the country, and I cannot violate any law ?"
- A. If he made any such statement as that I do not recollect.
- Q. Do you recollect his saying that he could not compromise himself ?
- A. I think it was Mrs. Morris who said that, and that Judge Morris said, that though his sympathies were with the South, he did not wish to do anything to compromise himself.
- Q. You say that after he had said that, he stepped out of the room to avoid, as you want to convey, seeing Mrs. Morris give you anything, if she did give you anything, and that the judge came back ?
- A. Yes, sir.
- Q. That the judge had some conversation with you about your confederate uniform ?
- A. Yes, sir.
- Q. That he wished you to cut the buttons off your waistcoat and button your coat up ?
- A. Yes, sir.

Q. Did it not occur to you that Judge Morris, after having said that he could not do anything to compromise himself, was very seriously compromising himself by giving such advice to an escaped prisoner?

A. I so regarded it.

Q. I think you stated, did you not, that you never had occasion to ascertain whether Taylor was a correct name or not?

A. No, sir, I have not.

Q. Did you communicate to the authorities at Camp Douglas that Mrs. Morris had given to you the name of this man Taylor?

A. I went directly to No. 90 Washington street, where I met Colonel Sweet. I delivered him the money and the memorandum.

Q. So that the authorities were immediately advised that there was a person of the name of S. T. Taylor, whose name had been given as a person in sympathy with the rebels?

A. Yes, sir.

Q. Have you had occasion to ascertain if there is such a person?

A. I never met him anywhere.

Q. How did you come to ascertain that that was not the name?

A. I was told so by a detective.

Q. Who was that detective?

A. Mr. Keefe.

Q. When were you told so by Mr. Keefe?

A. Some few weeks after the arrests were made.

Q. So you did know that that was not the proper house?

A. I understood it was not the proper name.

Q. You say you were directed by the authorities at Camp Douglas, through Mr. Keefe, to go to Judge Morris's house and ascertain, if you could, the whereabouts of some escaped prisoners?

A. Yes, sir, that is what I was sent for.

Q. Had you any other or different instructions from them?

A. I was to represent myself as an escaped prisoner, in order to ascertain that fact.

Q. Were you instructed to represent yourself as an escaped prisoner, not wanting to be concealed in the city, but wanting money to go away from the city?

A. Yes, sir, I represented myself as wanting to go away from the city.

Q. Were you instructed by the authorities to represent yourself as an escaped prisoner wishing to get out of the city?

A. Yes, sir, I was.

Q. Then you were directed to do something more than to ascertain the whereabouts of the escaped prisoners?

A. Yes, sir.

Q. You represented yourself to Mrs. Morris as entirely destitute?

A. Yes, sir.

Q. Were these the clothes you ordinarily wore about the camp?

A. Yes, sir; I wore them in the office.

Q. What clothes did you get from Mrs. Morris?

A. I got a jean vest and a gray vest, and I think a gray jacket, and I may have got trousers.

Q. Are those clothes you had produced in court the clothes you got from Mrs. Morris?

A. They are not.

Q. Then you had those clothes before you made application to Mrs. Morris for assistance?

A. No, sir, I did not.

Q. Where did you get them?

A. The vest and coat I bought the cloth for and had made; I bought the cloth in Chicago, and the trousers were given to me by Lieutenant Fife.

Q. Then they had never in any respect been used in the confederate service?

A. It was a confederate uniform, but they had never been in the confederacy.

Q. Never in the confederate service?

A. No, sir; they were manufactured at a camp in Chicago.

Q. In all the instructions which you received on the evening of the 3d of November, did you get them from this man Keefe direct?

A. Some I received from Colonel Sweet.

Q. Where did you receive those from Colonel Sweet?

A. A portion of the time in room No. 35 at the Tremont House, and a portion of the time at No. 90 Washington street.

Q. Did you ever receive instructions from Colonel Sweet in relation to going to Mrs. Morris?

A. Only through Mr. Keefe.

Q. Then all you were instructed to inquire about at Judge Morris's house that night, you got from this man Keefe?

A. Yes, sir.

Q. Then you got none of the instructions you received with reference to this particular transaction from Colonel Sweet?

A. No, sir.

Q. When, in conversation with Mrs. Morris, you represented yourself as an escaped prisoner, did she not say that you were not an escaped prisoner, and that she had seen you at the theatre?

A. No, sir, I do not remember that she did; she stated that she heard that I made application to take the oath.

Q. Did she not tell you that she understood that you had said that you were about raising a company for the federal service from among the rebel prisoners?

A. She did.

Q. Had you made such a statement as that previously?

A. I had a company ready raised, among the prisoners, for the frontier service.

Q. How long was it before you represented yourself to Mrs. Morris as an escaped prisoner of war, anxious to get away from the city, that you commenced the enterprise of raising this company among the prisoners, for the federal service?

A. I think it was in July of that year. There was a regiment enlisted among the prisoners, who made application to take the oath, and did not wish to return south.

Q. But did not Mrs. Morris tell you that she did not think you were an escaped prisoner because you were raising a company for the federal service?

A. I do not think she so stated, but she did say that she had heard I made the application to take the oath.

Q. Did you not say that Mrs. Morris told you that she knew you had been engaged in raising a company for the federal service from the prisoners of war?

A. If I stated so it is an error. I have no recollection of Mrs. Morris saying anything to me, in her house, in regard to my raising a company or regiment.

Q. Did Mrs. Morris ever say to you, on any other occasion previous, that she understood you were raising a company for the federal service?

A. No, sir.

Q. That is found upon the record—that she did say to you that she had so understood.

A. I do not think I said so, but if so it is an error.

Q. When you solicited Mrs. Morris to give money to help you away from the bloodhounds that were after you, these federal troops and authorities, did she not hesitate at first, and decline doing it?

A. No, sir, she acted with prudence and discretion.

Q. Did Mrs. Morris, when she gave you money, if she gave you any, say to you, If I am doing anything wrong in assisting you as a Christian woman, you declare this, you will not betray me?

A. She wished to know in case she did anything for me if I would betray her, and I said certainly not.

Q. How long was it after you made that promise that you did betray her to the federal authorities?

A. About half an hour.

Q. During the time that Mrs. Morris had sent in clothing to the prisoners at Camp Douglas, had you any difficulty or misunderstanding with her?

A. None that I remember.

Q. Was not your first intercourse with Mrs. Morris during the time she was visiting the camp?

A. Yes, sir, during the time she visited the camp by permission of the authorities.

Q. Did you understand that the articles Mrs. Morris was allowed to bring to camp were sent to the prisoners by their friends, and that she assisted in their distribution?

A. Yes, sir.

Q. Do you say that you have no recollection of any difficulty or misunderstanding with Mrs. Morris on the subject of the distribution of these articles?

A. If I had I do not remember, for I always esteemed Mrs. Morris very highly.

Q. Did you not call at Mrs. Morris's house, on one occasion, for the purpose of endeavoring to explain to her your theory of this difficulty that occurred?

A. I have never been in her house since.

Q. Did not Mrs. Morris and you meet on one occasion in Colonel Skinner's office, at the camp?

A. I believe we did.

Q. Did you not ask Mrs. Morris the privilege of explaining something that had occurred between you of a disagreeable character?

A. I do not recollect.

Q. Did not Mrs. Morris say that you had written to Mrs. McKee, of Lexington, stating that you had no clothing and no money, after you had been supplied by her?

A. I never wrote such a letter, and never made such a request. I wrote a letter to this lady for Dr. Wheelan in reply to one he had received from her; I answered it as correspondent for Dr. Wheelan.

Q. Did Mrs. Morris have any difficulty or misunderstanding on account of your representing yourself to be in need of clothing, after Mrs. Morris had supplied you?

A. I know of nothing of the kind.

Q. Did you never hear, sir, that Mrs. Morris had expressed a bad opinion of you on account of some of these transactions?

A. I never did.

Q. Did you never send a message to Mrs. Morris that, if you were permitted to have an interview with her, you could explain all that?

A. If I did I have no recollection of it. I may have written to Mrs. Morris frequently, but I have no recollection of the subject upon which I wrote.

Q. Does your recollection serve you, that some of the communications were on the subject of the supplies sent in to you from the camp?

A. I recollect nothing about it, and I believe I should remember it were it so.

Q. Do you not recollect Mrs. Morris's answer, when you solicited the privilege of explaining, that it would be a very difficult matter for you to make an explanation that would be satisfactory to her?

A. I have no recollection of it.

Q. When you came out of Mrs. Morris's house on the occasion in question, where did you find this man Keefe?

A. He was in the street; he overtook me on the first street towards State street. Barrett was in front of the house, and Keefe followed us.

Q. Did you know he was waiting for you to come out?

A. Yes, sir.

Q. You had gone there in company with him then, and he well knew your business, did he?

A. Yes, sir.

Q. When you first came out of the house did you tell Mr. Keefe what you had accomplished?

A. No, sir, not till I got to No. 90 Washington street, where I found Colonel Sweet.

Q. Did Keefe go into the room with you to see Colonel Sweet?

A. Yes, sir.

Q. Was any one present but Colonel Sweet, Keefe, and yourself?

A. Yes, sir, the orderly and Mr. Barrett.

Q. Who is he?

A. He is a detective.

Q. Then there were Colonel Sweet, Keefe the detective, Barrett the detective, and the orderly, present?

A. Yes, sir.

Q. Did you tell Colonel Sweet on that occasion that you had received that money from Mrs. Morris?

A. I did.

Q. And, as I understood you, you there put a particular mark upon it?

A. I did, sir, in Colonel Sweet's presence, and handed it over to him.

Q. And was that the money that you say you induced Mrs. Morris to give you by an appeal to her sympathies?

A. It was, sir.

Q. Did you communicate to Colonel Sweet, or to any other of the authorities at Camp Douglas with whom you were in the habit of communicating information which you derived from your detecting operations, the name of this man S. T. Taylor, Fourth street, Cincinnati; and if so, when?

A. I showed Colonel Sweet the memorandum that I made from Mrs. Morris's statement, at the same time that I delivered the money to him, that same evening.

Q. Did you tell Colonel Sweet that Mrs. Morris had directed you to a person of that name as one from whom you could get information?

A. Yes, sir.

Q. Has the government made any inquiry or investigation after this person?

A. Of my own knowledge, I do not know.

Q. Did you ever receive any money while you were a prisoner of war through the instrumentality of this lady whom you have endeavored to betray for your own use?

A. I never did, that I am aware of.

Q. Do you not know of twenty dollars sent from Lexington, and placed to your credit, by Mrs. Morris?

A. I do not, sir.

Q. Do you not know of twenty dollars sent to you by Mrs. James Robb,

in some part of Maryland, and which Mrs. Morris told you was placed to your credit?

A. No, sir; accounts at headquarters I think will show you that no such thing occurred. There was another John Shanks at Camp Douglas; it might have been sent to him.

Q. Do I understand that you did receive money at various times, which was placed to your credit?

A. Yes, sir.

Q. Do you know all those parties from whom you received money?

A. The first money I received was from an old man, of the name of Rice, in Kentucky.

Q. Do you know of any money placed to your credit, the donors of which were unknown to you?

A. No, sir.

Q. Then you think you knew the persons from whom all the money came?

A. Yes, sir.

Q. You have no knowledge of any coming from Mrs. McKaw, of Lexington, or a lady in Cumberland?

A. I have not the slightest.

Q. At the time you went to Mrs. Morris's house and made the representations you have stated, and obtained the assistance that you got by appealing to her as a fellow creature in distress, were you not a detective in the employment or pay of the federal authorities?

A. I was not under any pay, sir.

Q. Were you not a detective in the employ of the federal authorities, sent for the purpose of entrapping Mrs. Morris?

(Question objected to by the judge advocate, as an insult to the court and to the government, and withdrawn.)

Q. You stated, did you not, that you went into the confederate service under a protest; that it was an act of necessity—that you had either to do that or leave the State?

A. I had either to take the oath of allegiance to the confederate government, enlist in the army, or leave the State.

Q. You enlisted in the confederate service then for that reason, did you?

A. I should never have gone into the confederate army had it not been for that proclamation.

Q. Was that what forced you to go into the army?

A. Yes, sir.

Q. That being your account, I will ask you whether you did not go into the confederate service to procure your liberation from prison as a person convicted of a crime?

A. I did not, sir.

Q. Do you swear to that?

A. I do, willingly.

Re-examination by the JUDGE ADVOCATE:

Q. What was said by either Judge or Mrs. Morris in your conversation with them in reference to escaped prisoners—Judge Morris being present?

A. Judge Morris stated that there were prisoners in the city who had recently escaped from Camp Douglas.

Q. How did he know that fact?

A. He said he had seen them that day, or the day before.

Q. Did you learn of the acquittal or conviction of the man Robertson, in whose employ you were, and whom you learned had been prosecuted for the murder of Helen Jewett?

A. He was acquitted by the court.

Re-cross-examination by ROBERT HERVEY, Esq. :

Q. Why did you not state that in your examination in chief?

A. Because I did not remember it.

Q. Did you inquire of the judge where these men were?

A. I did not.

Q. Why did you not, if your object was to find out?

A. Just as I was leaving the house Mrs. Morris took out her watch, and told me I had only half an hour to get to the depot, and I had to be quite in a hurry.

Q. Were you actually in a hurry?

A. I made out as if I was.

By the COURT :

Q. State, if you know of your own knowledge, or if you learned from Fielding or others, the aggregate strength of the force which was to make an attack on Camp Douglas, Chicago, Illinois.

A. I think the attacking force was about six hundred.

Q. What was the entire aggregate force?

A. Fielding said that in all there would be between fifteen hundred and sixteen hundred men.

Q. Where were the arms stored for this force?

A. Fielding said they were in Chicago, but he did not say where.

By ROBERT HERVEY Esq. :

Q. You said that your business at Judge Morris's house was to inquire about the escaped prisoners; did you inquire whether there were any escaped prisoners in the house at that time?

A. I did not. I asked to be secreted, presuming that if there were any others there I should be placed with them, but I did not make the inquiry.

The commission then adjourned to meet on Wednesday, January 25, 1865, at 11 o'clock a. m.

COURT-ROOM, CINCINNATI, OHIO,

January 25, 1865—11 o'clock a. m.

The commission met pursuant to adjournment.

All the members present; also the judge advocate and the assistant counsel, the accused and their counsel.

The proceedings were read and approved.

MAURICE LANGHORN, a witness for the government, was then introduced, and being duly sworn by the judge advocate, testified as follows :

By the JUDGE ADVOCATE :

Q. Please state your name.

A. My name is Maurice Langhorn.

Q. State where you have been during the past year.

A. On the 30th day of April last I left Virginia to come through the lines. I left Montgomery Station, Virginia, between Abingdon and Bristol.

Q. Was that within the lines of the confederate army?

A. It was.

Q. State where you went from there.

A. I came through into Kentucky.

Q. At what place?

A. I decline to state exactly what my course was.

Q. You misunderstand; through what point did you enter the federal lines

A. I came over the Ohio river from Greenup county.

Q. After entering the federal lines, where did you go?

A. To Cincinnati.

Q. State where you first saw any of the defendants at bar.

A. If you pick out any particular one I will name him.

(Objected to by the accused.)

Q. There are seven defendants at bar; please state where you ever saw any one of them, and when.

A. I have seen Colonel Grenfel, Colonel Anderson, Mr. Walsh; (on the accused rising the witness continued:) I have seen them all.

Q. Where did you first see Grenfel?

A. In the confederacy; I understood he was in the confederate army; I was at the time a private, and had no conversation with him.

Q. Where did you next see him?

A. At Niagara Falls, last summer, on the Canada side.

Q. Who else of the defendants did you meet in Canada?

A. I met Colonel Anderson in Canada, at Windsor.

Q. Please point out the gentleman whom you name Colonel Anderson.

A. (The witness then pointed out the accused, B. M. Anderson.)

Q. State if you ever travelled in company with any of the persons you have named; and if so, from where, and to what place.

A. I travelled in company with Colonel Anderson from Toronto to Chicago, just before the Chicago convention of last August; we remained all day at the Grand Junction depot. The party I was with got on at Jackson, and when we arrived at Chicago, Colonel Grenfel was on the train; I had never seen him before on that trip from Toronto, Canada West.

Q. Where did you go then?

A. To Chicago.

Q. Did you travel together, or did you separate on the journey?

A. Most of us were in the same car.

Q. How many were there in that trip?

A. In the party I was in there were only four.

Q. Who were they?

A. Colonel Anderson, W. E. Beall, Dr. R. F. Smith, surgeon of the fourth Kentucky, and myself; Grenfel was with the others, I suppose.

(Answer objected to.)

Q. Where did the company go when you reached Chicago?

A. The party I was with went to the Richmond House, Chicago.

Q. When did the convention sit?

A. On the 29th of August, 1864.

Q. Whom did you meet there?

A. I saw Colonel Grenfel several times, and Colonel Anderson once or twice.

Q. Go on and state what took place at Chicago with reference to any of the defendants, or those associated with them, from the time of your arrival there until your departure.

A. There were some seventy-four, I understood, in the same position as myself.

(Answer objected to.)

A. When we left Toronto, each man carried with him a slip of paper with the number of four or five rooms in the Richmond House, and the name of "Little" written just after the number. I was instructed to go to the office of the Richmond House and inquire for the proprietor of the hotel, whose name, as we were told, was Little, and he would take charge of us, when we showed him that paper; he sent me to room 161, and I saw some eight or nine persons.

I do not know that they all slept in that room, but they were confederates—persons I had known and met in the confederate army. After being there two hours we were removed to 168, in which there were four beds, and in the room immediately behind there were four more beds, and in each of these beds two persons slept; and all the persons there were for the same object I was. We left Toronto on Friday night, the 26th of August, at 10 o'clock, and we got to Chicago on Sunday morning, the 28th.

Q. How long did you remain there?

A. We remained there until the next day. On Monday there was a proposal came from some one, I forget who, that they were making cartridges at some place in the city.

(Answer objected to.)

Q. Were any of the accused present when this information was brought in?

A. I do not know that they were there at that time.

Q. Who was this party of eight in the room of which you spoke?

A. I do not know that I could say; some of them I only knew by sight.

Q. Can you name the eight persons to whom you have referred as sleeping in the rooms you have spoken of?

A. I cannot. I know Colonel Anderson was there, but whether he staid there or not I do not know. A young man named Leslie and another named Trumbaugh, both of whom had been in the confederate service, and had been to Canada, I know. They came into the room to get men who knew how to make cartridges; and knowing they wanted to get me to superintend making cartridges, I went with this young man Trumbaugh and another confederate soldier who had escaped from Camp Douglas, who had a gunshot wound in his neck, to Mr. Walsh's house. When we got there we met Charles Leslie, who is now in McLean barracks in this city. Mr. Walsh was not at home—only his wife and two daughters. This was about half past nine o'clock at night.

Q. What part of Walsh's house was it you were in?

A. We went into the sitting-room. I never was in the house but once; but I remember there was a parlor and a hall; and the hall leads into the sitting-room.

Q. Whom did you find in the sitting-room?

A. Mrs. Walsh, her two daughters, and Mr. Leslie; we remained there for perhaps a half hour; we then went to a room to the right of the sitting-room. I judge they had one hundred and fifty or two hundred cartridges made; they were made rather bunglingly, upon a kind of clothes-pin; they were very badly made, and I told them there was no use making cartridges of that kind.

(Objected to, as the testimony is made out of the hearing of Mr. Walsh.)

Q. What did you find there?

A. I found employment in making cartridges. We did not make any cartridges that night, for we did not have anything to do it with right; the cartridges they had made would fit some of their guns, and some would not.

Q. What guns?

A. There were some single and some double barrelled shot-guns.

Q. How many were there?

A. There were eight guns in the room, and two boxes of guns under the bed, and there were several kegs of powder and several bags of buckshot.

Q. How long did you remain there that evening?

A. Until about 12 o'clock.

Q. Were there any other men there besides yourself?

A. I went there with two. Leslie was there when I went, and Mr. Walsh came in about half past eleven that same night, while we were all there.

Q. What were you doing when he came in?

A. I think we were all in the sitting-room talking.

Q. What was the nature of the conversation, and what was said by Walsh or in his hearing?

A. I could not recollect all that occurred; but the conversation we had was in regard to the expedition on which we had all come over. Mr. Walsh, I think, told me that he never came back to the house from the time he left it in the morning until he came back at night; that he was very busy running around among the men trying to get them together; and I understood him that he had ten or twelve hundred there. He said he spent a great deal in drink, trying to get the boys organized.

Q. Who were those boys?

A. I suppose citizens of Chicago. I had nothing to do except with Mr. Walsh.

Q. How long was the conversation continued between you and Mr. Walsh?

A. I think we remained there a half hour, or perhaps three-quarters of an hour.

Q. Was anything said as to the number of men that were to be engaged in the enterprise?

A. Mr. Walsh said he had a thousand or twelve hundred men—I am not certain which—all ready and prepared.

Q. Ready and prepared for what?

A. For this attempt to release the prisoners at Camp Douglas. He appeared to be disheartened because those who pretended would come down had not come, or were not ready. He thought the number was too small.

Q. Was there any other number spoken of as being necessary?

A. I think he said that they had expected about two thousand men, if not more.

Q. You say he was disheartened because there were only a thousand or twelve hundred?

A. Yes, sir; that is what I judged from his manner and language at the time; that was my impression, although I do not recollect all the conversation.

Q. Was there any other place spoken of in which the operation of making cartridges was going on?

A. I understood from one of these men who was coming down——

(Answer objected to.)

Q. What men went with you from the Richmond House?

A. One named Trumbaugh, though I do not recollect precisely the other; he had a musket-shot in his left cheek and the left side of his neck.

Q. Were or were not these men engaged in taking part in furthering this project?

A. They were, sir.

Q. What did they go down to Walsh's house with you for?

A. For the purpose of making cartridges.

Q. What did these men state to you?

A. This young man Trumbaugh told me that they were making cartridges in several other places in the city, which he mentioned, but which I do not recollect.

Q. How often did you see Grenfel in Chicago while you were there?

A. I suppose I saw him five or six times.

Q. State whether or not the accused Marmaduke was in Chicago at that time?

A. I do not know, sir; Colonel Grenfel told me that he was; I had never seen him before.

(Answer objected to by J. O. Brodhead, esq., of counsel for accused, on the ground that there has been no testimony to show that Marmaduke had any connection with the affair, or any knowledge of these men charged with the conspiracy.)

The assistant counsel for the government, in replying, referred to page eleven of the record of January twenty-first, in which it was proved that Marmaduke was connected with the conspiracy. In the course of his argument he quoted from 6th Ohio Reports, page 471. The court was then cleared for deliberation. On being reopened the judge advocate announced to the accused that the objection was overruled.)

A. I did not see Marmaduke there that I know. His face was familiar to me after he was captured. Grenfel told me he was there. The way the conversation came up was this: I think it was the day before the convention adjourned, some of the colored servants had said in the house that there were some of Morgan's men present; it had got to the ears of the men in the room with me, and they wanted to scatter off and go back to Canada; and it required some effort to keep them together. Grenfel came down into our room and said he could not find anybody, either Hines or Marmaduke, who could tell him what to do, or what was the next thing on the programme. Before he left I made him promise if he found out what was next on the programme to come and tell me. He then went up, I suppose to look for some one. He came back shortly afterwards, and said that Marmaduke had packed up his valise and left when he heard this report about Morgan's men being in the house. He afterwards told me he found out who were there, and all that they had now to do was to go to south Illinois and drill copperheads; that revolution was just going to break out in the north.

Q. Who was Hines?

A. A captain in the rebel service. I only knew him in Canada and Chicago.

Q. Had he any alias?

A. He went by the name of Dr. Hunter in Canada, and I think in Chicago.

Q. Do you know Captain Castleman?

A. I do, sir; I met him in Canada. He went with us on this expedition. I met him in Chicago. He was acting as quartermaster of the expedition; he was paying out funds that I know of. This expedition was for the release of the prisoners.

Q. Had he been connected with the confederate army?

A. I understood that he had; I do not know.

Q. Do you know a Captain Cantrell?

A. I do.

Q. What was he?

A. He formerly belonged to Morgan's command. I met him in Canada for the first time, though I knew him before by reputation.

Q. Was he of the party?

A. He was.

Q. How often did you see these men during the sitting of the convention?

A. Some of them I was in the room with all the time. Altogether I saw forty-five or fifty there. I saw that many myself.

Q. You say there were forty-five or fifty there; do you mean that you saw that number, or that that was the number engaged in the common enterprise?

A. All that I saw, or had anything to do with, in my room, were connected with the enterprise. I saw altogether about forty-five or fifty.

Q. Where did you first hear of this enterprise, and who made it known to you?

A. I heard in Richmond, Virginia, before I left the confederacy, that these things were on foot; but this particular enterprise I did not hear of until a few days before we left Canada on our expedition.

Q. Who told you of it, then, in Canada?

A. I do not believe I was told where we were going; but there was an expedition on foot, and every southern man was wanted in it, and railroad tickets

were given to us at Toronto. I do not know there was a man in our party that knew where we were going.

Q. Did you meet Jacob Thompson in Toronto?

A. I did; he was acting as a secret agent of the confederate service in Canada.

Q. In what way?

A. He had the means to fit out expeditions against the United States; that is what he told me himself. He told me that he had furnished Captain Hines with \$23,000 to carry on this expedition; and that in the event of his failing, he was to carry his men into the rebel lines.

Q. Who left Chicago at the time you say the matter failed?

A. I do not know, sir; Castleman, I heard say, was going; Grenfel said he was going. I had a conversation with Grenfel and Castleman about it. Hines also went. I understood Grenfel to say that nearly all were going. When I went back to Canada there were eight men in the squad that went back. We met at Detroit; we missed connection with the boat, and about eight of us walked up through the town.

Q. Did these men never come back from south Illinois and Indiana afterwards?

A. I do not know.

Q. You speak of Shultz; who is he?

A. His name is Louis Shultz. He had been in Morgan's command I believe. He was in Canada, and went to Chicago; he was one of our party.

Q. Did you see him afterwards, when these men came back from Illinois?

A. I saw him in Chicago on the 5th of November last.

Q. Had you any conversation with him about this enterprise. If so, what?

A. He caught me by the hand in the street and told me that Dr. Hunter and all the boys were there; that they had 150 men, and that they were going to release those prisoners next Tuesday.

Q. Who was Dr. Hunter?

A. He is Captain Hines.

Q. By all the boys, do you mean those who came from Canada?

A. Yes, sir.

Q. Was anything further said about your joining in the enterprise?

A. He asked me what I was doing. I supposed he knew what I was doing. I had made a speech within fifteen miles of Chicago; I told him I had taken the oath of allegiance to the United States, and he made a motion as if to seize his pistols, and, as soon as possible, I gave information to Colonel Sweet.

Q. Was anything said as to wishing you to go with them?

A. He wanted me to go with him to where there was a crowd of their boys; to go and and get a drink; but I thought if I went where there were more of them, they might do something else, perhaps.

Q. Had you any conversation with Grenfel on the cars from Canada to Chicago?

A. I had.

Q. Please state to the court what that conversation was.

A. I was sitting near the door, in company with William E. Beall, who is now a prisoner, and who once belonged to the southern army, and deserted to come through the lines with me, and Colonel Grenfel came up to the end of the car where we were. He had on a gray suit of clothes. I said, Colonel, if you go in those clothes to Chicago they will arrest you; you will not live there five hours. No, said he, this is an old uniform that was worn in an English battalion I once belonged to. He said, I have my English papers, and my gun and dog, and if they ask me what I am doing, I will say I am going hunting.

Q. Is that all that was said at that time?

A. I think it was. I know we made it a policy that many of us should not sit together.

Q. What were you armed with?

A. Six-shooters; I had three of them. We did not keep together more than was absolutely necessary.

Q. Did you separate in going from Canada to Chicago?

A. They went in parties of from two to ten, and when on the cars pretended not to know each other; we were to be joined on the way by other parties from Toronto. At Detroit we missed connection, and we lay over all the day, and two of the party, I remember, went off to Ypsilanti.

Q. What conversation had you with Anderson, the defendant at bar?

A. We talked a great deal. I knew him first in the rebel army.

Q. Where next?

A. I saw him in Windsor, Canada West.

Q. Where next?

A. We went together from Toronto to Chicago; he was in the party.

Q. Can you detail any conversation that you had with him?

A. None, sir, that I recollect; I suppose we were talking all the time on the trip.

Q. Was anything said as to the purpose of the trip you were then making?

A. There might have been, but I do not remember.

Q. Where did you go when you went to Chicago?

A. I believe part of the time I was in the room with him, before he removed elsewhere.

Q. Did he get one of those slips of paper at Toronto to indicate his room at the Richmond House?

A. I do not know. They told me that every party was to have one of these slips of paper; that if two or ten went together, one slip would be provided and one man selected to carry it. I recollect two of the numbers; one was 161 and another was 168.

Q. How many numbers were there?

A. I think there were certainly four, and there might have been five or six.

Q. When you went to Canada, were you in the interest of the federal government, or adverse to it?

A. I went there merely to gain time. I left the southern army and went into Kentucky; on arriving there I found that nearly every one of my friends repudiated any connection with me, and turned from me with horror; and as all my friends were turned against me, I went to Canada to avoid reporting to any United States marshal, because I thought they would send me to a United States prison.

Q. Were you in the pay or in the interest of the United States government, in any way, when you mingled with those men in Canada?

A. No, sir, I was not. I will say that I went with those men of my own free will.

Q. How long before you met Beall, upon his return from Illinois, that you remained in that position without having taken the oath of allegiance to the United States government?

A. I took the oath of allegiance on the 10th of October. The Secretary of War sent an order for safe conduct for me from Canada to Washington city, and on the 10th, some three days after I got there, I took the oath of allegiance. Colonel Wisewell was military governor of the district at the time.

Q. Then all this intercourse between you and the parties I have named was had before you took the oath of allegiance or made application for it?

A. Yes, sir, before I made application for it.

Q. Why did you come through the lines into the federal army?

(Objected to by the accused. Question withdrawn.)

Q. I asked you in the commencement of the examination as to the manner in which you came through the lines, and you exhibited a reluctance to answer it. I will repeat the question. In what manner did you come through the lines?

A. I came through on foot and on horseback.

Q. By whose assistance, and with what means?

A. There were six men, I think, besides myself in the party that came through. Major Ousley was one; William E. Beall was another; also Dr. Thompson, and a young man named Carter. I have forgotten the names of the others. We drew our arms from the confederate ordnance department at Abingdon, Virginia. We had one hundred and ten rounds of ammunition to each man, and were determined to fight our way through. We were stopped only once.

The witness was then cross-examined, on behalf of the accused R. T. Semmes, by T. M. Key, esq.

By the accused:

Q. Do you know Mr. Semmes?

A. His face is familiar to me, but I do not know him.

Q. Do you remember to have seen him at any particular place?

A. He looks like a gentleman I saw at Camp Douglas.

Q. Had you seen him before his arrest?

A. I could not say that I had.

The witness was then cross-examined, on behalf of the accused, Anderson, by Judge Bartley.

By the accused:

Q. You made the remark that Colonel Anderson, when in Canada, had a project of going to Mexico?

A. Yes, sir; I understood him to say that he had given a bond to the authorities in Kentucky that he would never take up arms against the government. He said that while he was in Kentucky he was under continual suspicion—suspected perhaps by his own friends and by the government. He said that he had determined to go to Mexico, where he would not be troubled that way any more. I know that he had several times projects to go to Mexico; and I thought once of going there with him myself.

Q. Do you know that Major Ousley talked of going with Colonel Anderson to Mexico?

A. I do not, sir.

Q. You say you knew Colonel Anderson when he was in the confederate army?

A. Yes, sir.

Q. Do you know the fact that he abandoned the cause of the Confederate States and left the confederate army?

A. No, sir. I saw him when he was lieutenant colonel of the third Kentucky regiment, at Bowling Green. I never saw him afterwards until I met him in Canada.

Q. You only knew that he took the oath of allegiance from his own statement?

A. No, sir, he never told me he took the oath of allegiance.

Q. Had he given a bond to the government?

A. Yes, sir.

Q. Can you state the reason why he did not go to Mexico?

A. No, sir, I cannot.

Q. Do you know whether the fact was that he was unable to raise funds and get others to join with him?

A. I believe I have heard him say that he did not have sufficient means to carry him there—that it was a long trip.

Q. Was he endeavoring to get others to join with him in the expedition to Mexico?

A. I think Mr. Beall and myself had agreed to go with him once, if we could get the funds, but I am not certain about it. I don't know whether anybody else consented to go with him or not.

Q. Did you ever hear him say that he had been offered the rank of colonel in the French army in Mexico?

A. I did not, sir.

Q. Did you learn the fact that he expected to go into the service of the French army in Mexico?

A. That is what he was going there for, as far as I understood. If he went there, a man of his talent ought to be made a brigadier general in the army—such an army as they have in Mexico.

Q. Do you not know the fact that Colonel Anderson stood very high in the confederate army when he was there?

A. He did, sir; I looked upon him always as one of the finest officers the confederate army ever had.

Q. You and Anderson went down with a part of the crowd from Canada?

A. Yes, sir; there were three others. Dr. Smith, assistant surgeon of the fourth Kentucky rebel regiment; William E. Beall, Colonel Anderson, and myself composed the party.

Q. At that time there was a larger number of people than usual going down to the Chicago convention, was there not?

A. Yes, sir.

Q. Was this the time that the people were congregating to attend the convention to be held on the last day of August?

A. Yes, sir, it was.

Q. Did Colonel Anderson stop at the Richmond House where you stopped?

A. I saw him there, sir; he slept in the same room with me.

Q. You say that you saw him in one of the rooms where these different persons were, do you?

A. My room was No. 168. I saw him in that room, with several others besides myself.

Q. How long did he remain there?

Q. I could not say; he may have slept there three or four nights, possibly only two. He may have slept there two or three nights; I know that before we left Chicago he had moved his quarters to some other place.

Q. Before the Chicago convention adjourned, do you not know the fact that Colonel Anderson left the Richmond House and went to some other place?

A. Yes, sir.

Q. Did you accompany him a short distance when he left the Richmond House?

A. I believe I did, sir.

Q. Do you not remember Colonel Anderson's saying, when he was going from the Richmond House, that he was going away to get clear of the company that was there; that the project that was talked about did not meet his views, and that he was going to withdraw and have nothing to do with it.

A. I heard him say that the project did not meet his views, and that he was going to withdraw.

Q. When was that?

A. That was before he moved his quarters from the Richmond House.

Q. Did he not say, when he left the Richmond House, that he was leaving there to get rid of the company that he was with?

A. I could not answer, sir; I simply know this, that he and I had several conversations in regard to the matter, and that he said the project did not meet his views, and that he had announced his intention of withdrawing, and

I think he said he announced his intention of withdrawing to some of the leaders, and they insisted upon his remaining.

Q. Was that while the convention was in session ?

A. Yes, sir.

Q. Do you know, Mr. Langhorn, that Colonel Anderson shortly after that returned to Kentucky ?

A. No, sir, I never saw him but once afterward, until I saw him here in court. I heard that he had gone back to Canada.

Q. Did you not know that he went back to Kentucky in a few days, and never afterwards returned ?

A. No, sir, I do not believe that I ever heard anything in regard to him after that.

Q. Did you not hear Colonel Anderson refuse positively to have anything to do with making cartridges ?

A. Well, sir, I do not know. At the time they were beating up for volunteers to help make cartridges, I know that I was the only one to go down for the purpose of showing them how to make them. Colonel Anderson might have been there, but I do not recollect whether he was or not.

Q. Do you not recollect that Colonel Anderson, when requested to go and make cartridges, positively refused ?

A. I do not know whether he was in the room at the time; I know that out of the whole party, there was only one who agreed to go and assist in making cartridges, and that was myself.

Q. Please recur to your recollection of the circumstances that occurred, and see if you really recollect Colonel Anderson having slept a single night in your room.

A. I am pretty certain that he slept there one night, at least.

Q. What circumstances make you think that he slept there one night ?

A. There were four beds in the room, double beds—that is, they were made to carry double; there was a cot put in the room in addition to these beds, and I think Colonel Anderson slept in it the first night it was brought in.

Q. Was that the first night you arrived there ?

A. Yes, sir.

Q. Was it not a fact that the cot was brought in for Colonel Anderson, and fixed up in the room for him, and that he gave it up afterwards to another man who took it away, and Colonel Anderson spent the night at some other place ?

A. As I said before, sir, it was my impression that Colonel Anderson slept on that cot for that night; whether he did again, I do not know.

Q. Was it the next day after your arrival that he moved his quarters ?

A. I don't think it was. He arrived there Sunday morning; the convention convened on Monday.

Q. Was it on Monday that he moved from the Richmond House to another house ?

A. I do not think he did.

Q. Was it on Tuesday ?

A. I could not say, sir; it may have been Tuesday or Wednesday.

Q. You remember it was while the convention was in session ?

A. Yes, sir.

Q. Did you have a conversation of considerable length with Colonel Anderson in which he explained to you the reason why he came down to Chicago; in which he stated it was simply to convince these men who were his associates that he was not a spy of the federal government, as he had been charged with being, and that he intended to have nothing to do with the plan or conspiracy ?

A. Since you mentioned it, I think he conversed with me in Canada, about the time we started or a little before, saying he was going. He was afraid if he staid behind they would accuse him of being a coward.

Q. Don't you remember the fact of his saying that he did not wish to be charged in Kentucky and Canada with being a federal spy?

A. I know he felt annoyed at the government here and at home. The government did not seem to trust him, and officers in the United States army were keeping him in surveillance. People did not think him all right because he had come back and had given a bond.

Q. Did he not, in conversation with you, tell you that his only object in coming down to Chicago was to clear up the suspicion of his being a federal spy; that he was not going in the capacity of a spy; that it was not his design to have anything to do with this plot or conspiracy?

A. I do not think he did, sir. I recollect something of the kind being said in Canada, but I do not recollect of his speaking of anything of the kind in Chicago; I heard him say in Chicago, after he had been there two or three days, that the project did not meet his views, and that he intended to withdraw from it.

Q. Did he not say, Mr. Langhorn, that his object in going down there was simply to satisfy these men that he was not the character they had suspected him to be in Canada?

A. I recollect a conversation like that you mention, about the time we started or a little before.

Q. In that conversation did you not distinctly understand from Colonel Anderson that he was not going down to Chicago with a view to assist in this conspiracy, but that he was going down with another view?

A. My understanding was directly the opposite. We went to Toronto together, and put on our pistols, and kept together nearly all the time until we got to Chicago; and I recollect hearing him say, as I told you before, something of that kind, at or about the time we left Canada, that he was afraid they would accuse him of cowardice, or being afraid to go, or something of that kind. I do not believe myself that he really wished to go; I will say that.

The witness was here cross-examined, on behalf of Mr. Walsh, by Judge Wilson.

By the accused:

Q. Where were you born?

A. In Pittsburg, Pennsylvania.

Q. How long did you remain there?

A. I do not know, sir; I was very small when I was there. My mother was a native of Pittsburg and my father a native of Kentucky; they were married, and I do not know whether I was born when my mother was on a visit there, or not.

Q. When did you first come to yourself so that you knew where you were?

A. I think the 10th of October last was the first time I came to my senses for a long time.

Q. What appliances were used that induced you to come to your senses at that particular time, sir?

A. I can tell you very readily. I know the effect of the appliance was to make me return to my allegiance to the United States government.

Q. Then it was at that time you came to know who you were. Before that time do you intend us to understand that you did not know who you were?

A. My statement was in answer to the question you asked me. I mean to say that my whole course up to that time was a wrong one in some respects.

Q. Now, I do not ask you whether you did right or wrong at any time; I ask you at what time you first, so far as you remember, knew at what place you were?

A. I recollect being in Maysville and Paris, Kentucky; that is my earliest recollection.

- Q. When, for the first time, do you recollect being in Maysville ?
 A. I think it was about twelve or fifteen years ago.
 Q. When, for the first time, do you recollect being in Paris ?
 A. I was about five or six years old when I left there.
 Q. How long did you remain in Maysville ?
 A. That was my home. I left, I think, in the spring of 1860.
 Q. What was your business up to the spring of 1860 ?
 A. I had just taken out my license to practice law. I had been a law student one year previous to that.
 Q. Did you ever practice law ?
 A. I did, sir.
 Q. How long, sir ?
 A. I took out my license at Maysville, sixty miles above Cincinnati ; I think it was in 1859. I was there nearly a year afterwards, but on account of my ill-health was not able to practice law ; I then moved to Crittenden county, Arkansas, and there I practiced until the war broke out. I think I left Crittenden county about the 25th of April, 1861. On the 2d day of May I entered the Confederate States service.
 Q. At what place ?
 A. At the city of Memphis.
 Q. In what capacity did you enter ?
 A. I went as a private soldier.
 Q. Who was the colonel of the regiment ?
 A. The regiment never had a colonel.
 Q. Who was the captain of your company ?
 A. There never was a company. It was what we called the Confederate States recruits ; they never had any organization.
 Q. If there never was a captain, who was the lieutenant ?
 A. For the same reason it did not have a captain it did not have a lieutenant ; they were recruits, sir.
 Q. If they did not have a lieutenant, did they have any officer at all ?
 A. They had no commissioned officers.
 Q. Who acted as any officer ?
 A. At Baton Rouge, Captain Frazier acted as commander of the post.
 Q. Did you enlist ?
 A. Yes, sir.
 Q. Where did you first go to after you enlisted ?
 A. To Baton Rouge, Louisiana.
 Q. Were you in any battle during the time you were in the service ?
 A. Yes, sir, in one.
 Q. Where ?
 A. At Murfreesboro', Tennessee.
 Q. Who commanded the regiment you were in ?
 A. Colonel Thomas H. Hunt, of Louisville, Kentucky.
 Q. Were you ever in a regiment ?
 A. Yes, sir ; the first Louisiana artillery.
 Q. Who was the colonel ?
 A. I do not know.
 Q. Do you know any of the officers ?
 A. Major H. A. Clinch always commanded the detachment to which I belonged.
 Q. How long were you in that regiment ?
 A. About five months.
 Q. All the time as a private ?
 A. No, sir ; I was sergeant and drill instructor.
 Q. Did you ever get any higher position in the army ?

A. I do not believe I did. I have been a sergeant nearly all the time I was in the army. I had no other position in the regular confederate army. I think I remained in that regiment about five months.

Q. What time did you leave the regiment?

A. I think I got my discharge about the 23d of September, 1861, by order of the secretary of war.

Q. On what ground were you discharged?

A. I made an application to the secretary of war for a discharge on the plea that I was going to try and raise a regiment for the confederate service. Major General Twiggs approved the resignation, and sent it on to Richmond and obtained my discharge. I went on to Richmond, and, owing to the misunderstanding or ill-feeling existing between Major General Twiggs and Judah P. Benjamin, I did not get it; and I went around to Bowling Green and joined Colonel Thomas H. Hunt's regiment, of Louisville, a company of citizen guards, commanded by Captain Robert Biggs. I was then detailed, or rather temporarily transferred, to Major R. E. Graves's command. I served with his battery and drilled the men at Bowling Green.

Q. At the time you failed to get this appointment, what was the reason of your failure?

A. I ascribed it to the ill-feeling existing between Major General Twiggs and the rebel secretary, Benjamin.

Q. What did you do after failing?

A. I went to Richmond; after which I went to Bowling Green and took the position of private.

Q. How long did you remain in that position?

A. About six weeks. I was then transferred to Major Graves's battery. I was by him made sergeant, and when he was made chief of the fortifications at Bowling Green, I was made superintendent of mounting the heavy guns. I remained in that position as long as Major Graves was chief of the fortifications; that was in January, 1862. I then went with the division to Russellville, but I was taken sick with typhoid pneumonia, and when the division moved on to Fort Donelson, I was, while sick, captured and paroled. When I was well enough to be removed, I reported and was sent to Bowling Green, from thence to Louisville, and from Louisville to Camp Chase. This was in the latter part of March, or possibly in the second week in April, 1862.

Q. How long did you remain there?

A. Till the first general exchange of prisoners, which took place in August, 1862.

Q. Where did you go then?

A. Down the Mississippi river to Vicksburg, and I was exchanged there. I went to work reorganizing the battery. I was drill sergeant in Colonel Hanson's brigade. Some few of the Morgau men who were exchanged went to Chattanooga; there were some eighty-five men in the battery altogether.

Q. How long after you got these men together did you remain there?

A. Possibly two weeks; from there we went to Chattanooga, by way of Mobile to Atlanta; we remained there a week and a half; from there we went to Knoxville, and remained there two weeks; then we started with Breckinridge's division, which was to go up through the Cumberland gap to re-enforce General Bragg. After remaining at Knoxville two weeks, we made two days march towards Cumberland gap. I got this from officers in charge of headquarters, that an order had come to General Breckinridge not to move any further. We staid a day and then we moved off to Murfreesboro', Tennessee, via Knoxville and Chattanooga, where we arrived about 1st of November, 1862.

Q. How long did you remain there?

A. Till the battle of Murfreesboro'; the battery did, I did not.

Q. What time was it that you started to make your way through the lines?

A. On the 30th day of April last.

Q. Where did you first arrive in your attempt to pass through the federal lines?

A. That is rather a hard question; we avoided all places; we did not meet with any regular troops; the first place of importance I found myself in was Cincinnati.

Q. Is that the first place you found yourself in?

A. No, sir, I was in the city of Maysville fifteen minutes. I now remember I passed through Ashland. When I came to Cincinnati I remained here two or three days.

Q. When did you arrive here?

A. It was about the first of last June; we came here on the boat that came down the river from Maysville. From Cincinnati we went to Louisville; from Louisville we went to Henry county, Kentucky, I remained there a week and from there went to Carrollton, and remained there three hours; from there I came back to Cincinnati, and staid here two or three days; from Cincinnati I went to Windsor, Canada West, and got there on the 17th, 18th, or 19th of June.

Q. What business did you go into in Canada?

A. I did not go into any business. I staid there, at Windsor, until I took the oath of allegiance. I remember I spent a week and a half at the Falls.

Q. When was the first time you made application to the government, or any of its officers, to take the oath of allegiance?

A. I think the first application I made was about the 18th or 20th of September, 1864. My communication was a written application to return to my allegiance to the government. I made it to the Secretary of War of the United States, and sent it through Colonel Hill.

Q. Do you know of any other raids in which you took part, except this upon Chicago?

A. I never took any part in any, except that one from Canada.

Q. Had you anything to do with any other raids?

A. I recollect that there were different raids in contemplation there.

Q. Do you know of, or did you take any part in, any other raid to the United States than the one you have spoken of at Chicago?

A. I never went on any other raid than this one.

Q. Do you know of any other?

A. I knew some others were being organized, but I never went with them.

Q. Did you take any part in organizing them, or in acting with any party, in any of these raids?

A. I can say that I did not. The St. Albans I knew of two months before it occurred, and I thought it was given up. Some of the men came to me and asked me if I would not go into it. That raid was talked of before the Chicago one.

Q. What time in the year did you know of that?

A. It was a short time before the Chicago expedition; it may have been one, two, or three weeks before.

Q. Did you know of any other expedition, or any contemplated raid upon any of the frontier towns?

A. I was in Canada at the time of the Philo Parson's expedition—what is called the Lake Erie piracy, but I knew nothing of it till they had almost started.

Q. Do you know of any other contemplated raid?

A. There is not a confederate sergeant in Canada, nor ever has been, that has not contemplated 5,000 raids.

Q. Did you know of any others save those you have spoken of, while you were in Canada?

A. Yes, sir, I have heard they were going to sack Buffalo, Detroit, Ogdensburg and other places.

Q. Please detail what part you took in the contemplated raid on Detroit?

A. At that time I was in favor of it.

Q. Was that before you wrote to the Secretary of War?

A. Yes, sir.

Q. I ask you what part you took in the contemplated raid on the city of Detroit?

A. There was a party of some half dozen men—there were eight—who thought that by sacking Detroit they might make a great deal of money.

Q. Were you one of those eight men?

A. Yes, sir.

Q. Tell us what was done, and what money was to be made by this raid?

A. We expected to go there, attack the shipping, take the wharves, man all the vessels there, and lay the city under contribution; make them shell out all the money they had, and everything of value in the city. When we got through with Detroit, we were to go and lay Buffalo under the same kind of contribution, and all this was to be done by these eight men. There certainly were not more.

Q. Can you state their names?

A. One was George Young, and another was William E. Bell, a third was myself, and I really forget the names of the others. In Canada there were eight or ten of us boarding together, and when we got an extra bottle of whiskey, or when one of the party received money contributions from friends that enabled us to get an extra bottle of brandy, we had the most bombastic talks, and concocted the most terrible kind of raids.

Q. Do you remember any attempt on your own part to make money out of any of these contemplated raids?

A. When we captured the shipping, and manned it, we were to lay the city of Detroit under contribution, and if we succeeded, we were to go to Buffalo, Sandusky, or some other place.

Q. Is that the only way you contemplated making money in those raids?

A. One of our party, George Young, said that he had heard from some one living in Detroit that there were about \$200,000 in specie there, and he was trying to recruit men to go and get it, but I did not suppose that he ever seriously entertained the idea.

Q. Were you a party to obtaining money from the citizens of Detroit, by representing to them that a great raid was anticipated?

A. Colonel Anderson, myself, William E. Bell, and a young man by the name of Manghan did enter into an arrangement of that kind?

Q. Relate what it was?

A. We hatched up a conspiracy—the biggest kind of one. There were only four in it. We were going to burn Detroit, burn the shipping, and everything else; and we fixed up papers and orders, as if we were Confederate States officers. Manghan was to take these papers across the river, and if it was a real expedition on foot, he was to sell them to Colonel Hill, commander of the post, at Detroit. These papers we four manufactured.

Q. Describe these papers.

A. They were just such papers as were suitable for the occasion.

Q. State whose names were put to them, and what the papers contained, as near as you can.

A. We had one paper pretending to be from a man by the name of Brown, a captain in the Confederate States navy. I think Anderson wrote that letter and signed the imaginary name of Captain Brown. Then there was a letter

written by me, purporting to be an order from the rebel secretary of war to report to that Captain Brown; and afterwards, I think, there was another letter written by Colonel Anderson, for the purpose of showing that he was giving me orders—something about the men.

(Objected to by the judge advocate as matters immaterial, illegitimate, and irrelevant, and as not pertaining to the Chicago conspiracy.)

Judge Wilson said: We propose to show that this witness was engaged in a pretended raid upon the city of Detroit; that he and others forged papers for the purpose of representing to the citizens of Detroit that a large number of men were convened in Canada for the purpose of making a raid upon that city, and that this was done with the intention of obtaining from the citizens of Detroit a heavy sum of money under these false pretences. Quoting Greenleaf, page 500: First, as tending to show that the reported raid on Chicago, as testified to by the witness, was of the same character as the bogus one on Detroit; second, as testifying the credibility of the witness.

The judge advocate replied that the testimony sought for was entirely immaterial; that it brought in outside issues; and that, as we were investigating the Chicago and not the Detroit conspiracy, it ought not to be introduced in the present case. Quoting from Benet, page 307.

The court was then cleared for deliberation. On being reopened the judge advocate announced that the objection to the course of the examination as to immaterial and illegitimate matters not in issue, and not called out by the examination in chief, is sustained.

The commission then adjourned to meet on Thursday, January 26, 1865, at 11 o'clock a m.

COURT-ROOM, CINCINNATI, OHIO,

January 26, 1865—11 o'clock a. m.

The commission met pursuant to adjournment. All the members present; also the judge advocate, the assistant counsel, the accused and their counsel.

The proceedings were read and approved. A member of the commission called attention to the report of the Chicago treason cases, which appeared in the Cincinnati Gazette on January 26, quoting as follows: "Judge Wilson spoke at considerable length on this point with much shrewdness and plausibility, and damaged the reputation of the witness." It was submitted that this was a violation of the order of the commission which permitted reporters to be present to report the testimony of witnesses and argument of counsel; but that they had no right to express their own convictions or opinions as to the witnesses or their testimony during the progress of the trial.

A member of the court moved that the reporters of the press who have the privilege of seats in the court be prohibited publishing their opinions or conclusions during the progress of the trial.

The motion being submitted to the court and sustained, the judge advocate directed that the reporters abstain from comments of their own on the testimony of witnesses, or the action of the court during the progress of the trial.

The examination of Maurice Langhorne, a witness for the government, was then resumed as follows:

By E. G. ASSAY, esq., of counsel for the accused:

Q. I think you stated in your examination in chief that the two daughters and wife of Mr. Walsh were in the sitting-room when you first entered the house on the Monday when you first called there; am I right?

A. If it please the court, I have a right to a personal explanation. My testi-

mony of yesterday left me in a place where the court and audience would be prejudiced against me.

(Objected to by the counsel.)

Q. Did you so state?

A. I said they were there.

Q. Which two daughters do you mean?

A. I was presented to them at the time. One was 19 or 20 years of age; the other 14 or 15.

Q. Then they were the two eldest daughters of Mr. Walsh?

A. I do not know.

Q. Was any one else present?

A. Yes, sir; Mr. Walsh's son.

Q. Which?

A. I don't know. There was a young man arrested and sent to camp Douglas; I think that was the one.

Q. Is it the same young man you have seen about this court-house?

A. Yes, sir; I do not know his name. I do not think he was introduced to me that night. Mr. Walsh gave me to understand that his servants, one or two of them, were sent away, and there was no one there when I went but those I have mentioned.

Q. Did you not state to the officers at Camp Douglas that young Walsh was present?

A. Yes, sir; I said he was present.

Q. And what was his answer? What did he do?

A. He admitted in presence of Colonel Skinner that he got home the day before.

Q. Did he not say that you were a liar, and that he would knock you down?

A. No, sir; he did not.

Q. Was there a difficulty between you and him in Camp Douglas in reference to that?

A. No, sir; there was not.

Q. Are you as positive that these three persons, the two daughters and the son of Mr. Walsh, were present, as you are of anything else you have stated?

A. Mrs. Walsh and her two daughters were there, and her son, or a person they gave me to understand was her son. It was the same that I saw afterwards was arrested, and the young man that I have seen here.

Q. Are you as positive of that fact as you are of anything else you have stated in your evidence?

A. I am.

Q. How often did you see Captain Hines in Canada?

A. I saw him, I think, three or four times at the Falls, and I saw him in Windsor.

Q. Were you in daily intercourse in Toronto?

A. No, sir; the only places I saw him in were at the Falls and Windsor.

Q. Were you in daily intercourse with him?

A. No, sir; I did not know him at the time.

Q. When did you know that his name was Captain Hines?

A. When I met him at the Falls.

Q. Did you know him by any other name than Dr. Hunter?

A. He was called Dr. Hunter, but I was told he was Captain Hines.

Q. Did you know him by any other name?

A. Only the names of Captain Hines and Doctor Hunter.

Q. Did he know you by any other name than Langhorne?

A. Yes, sir; by the name of Walter Hunt; that was my nom de guerre in Canada.

Q. What other nom de guerre had you in Canada?

A. That was the only one.

Q. Have you ever been called Johnson?

A. I have, sir.

Q. By what other name have you been known?

A. I think I have a right to state in what connection I was called by those names. In Chicago I was called William Johnson, also George Langley.

Q. Any other name?

A. I think that is all.

Q. How many names have you had in all?

A. I have had the names of Maurice Langhorne, Walter Hunt. After this affair assassins were on my heels, sent by the rebel agents in Canada, and I went by the assumed name of Johnson, and under the name of Walter Hunt, by all of which I was addressed by the military authorities there, and by Colonel Sweet, commander of the post. I never used the name of Johnson in Canada.

Q. When was Colonel Sweet first advised that you were in Chicago?

A. The day I laid bare the conspiracy to burn the city.

Q. Where were you then stopping?

A. I was boarding at No. 113 Michigan avenue.

Q. At the Sherman House what was your name?

A. My own name.

Q. When was it you revealed this conspiracy?

A. On Saturday, the fifth of November.

Q. Had you in any way communicated to the government officials anything in reference to this matter before that time?

A. No, sir.

Q. Did you before that time, or have you since, to any person, exhibited a letter signed by an official of the federal government, authorizing you to act for that government?

A. I do not know whether I have or not. I have been authorized since to act for the federal government.

Q. Did you exhibit to Mrs. Waller what you claimed was a credential from Washington authorizing you to act for the government.

A. I exhibited to her a letter of recommendation from Secretary Seward, recommending me to the War Department.

Q. When was that?

A. It was given to me two days before I took the oath of allegiance to the government. It was simply a letter of recommendation and nothing more?

Q. Did you then state to her that you could receive, or were receiving, from the government six thousand dollars a year for your valuable services?

A. I said they had offered me a position in the secret service from Washington, and I refused to accept it.

Q. Give me the date of this communication to Mrs. Waller.

A. It was a few days after Colonel Sweet was placed upon his guard. I could not give the date.

Q. Was that kindred to the papers you forged in Canada?

A. No, sir; Colonel Wisewell (pointing to that gentleman) saw it.

Q. Where were you when you received that letter?

A. I was in Washington city.

Q. What date was that?

A. I took the oath on Monday, the 10th of October, and I got the letter of Secretary Seward on the 8th of October. I recollect that on the Saturday after I got the letter, it was so late that I could not take the oath of allegiance that evening; but I went to Colonel Wisewell's office and he indorsed upon it to the adjutant of the district that the oath should be administered to me as soon as I got there, and it was administered on Monday morning.

Q. Where did you go to then?

A. I was in Washington a day or two after, and then went to Detroit.

Q. How long did you remain there?

A. I offered my services to the Republican Central State Committee during the Lincoln canvass.

Q. Had you not offered your services before that to the authorities at Detroit?

A. I do not think I had.

Q. Had you not offered them before that as a savior of the city?

A. No, sir.

Q. Did you not through an agent?

A. No, sir; I cannot recollect that I did.

Q. Did you not offer to exhibit this famous Detroit conspiracy to them?

(Objected to, and withdrawn.)

Q. You stated, a moment ago, that Colonel Sweet was the first federal officer to whom you had revealed this raid upon Chicago?

A. Yes, sir.

Q. Then you took the oath of allegiance and became a repentant citizen of the United States, while in possession of the details of this plot, without communicating it to the officers of the government?

A. No, sir; I did not. I knew nothing about it more than an hour before Colonel Sweet was given all my information.

Q. Did you not state in your examination that it was passed over as not feasible at that time?

A. Yes, sir; Thompson told me that he had furnished \$23,000 for the purpose of carrying the men through into the confederacy, and I did not know that it would be brought up again. I made an affidavit to that effect, which is now in the hands of Secretary Seward.

Q. Do you know the date of that affidavit?

A. I think it was made the same day Secretary Seward gave me that letter.

Q. Did you make any further affidavit, in which you stated that a raid was contemplated upon Detroit?

A. I do not think I ever made such a statement.

Q. Did you ever so state to Secretary Seward?

A. I do not think I did.

Q. Will you swear?

A. I will swear that I do not recollect having made such a statement.

Q. You made no such affidavit then?

A. Not as to any raid upon Detroit.

Q. Did you make a general statement by affidavit, or otherwise, that raids were intended and arranged for in Canada, without specifying any particular one?

A. I may have mentioned it in my affidavit to Secretary Seward. I mentioned that raids were contemplated, but I did not know against what points.

Q. To whom were you directed to go by Secretary Seward?

A. I do not know that he directed me to go to anybody.

Q. From whom did you receive directions to go to Chicago?

A. I never received any such directions at all.

Q. How long was it after you had been to Detroit, offering your valuable services to the State central committee as a remarkable speaker, that you went to Chicago?

A. I spoke several times in Michigan, and removed to Chicago with the intention of getting a reputation by offering my services to the central committee, which I did the morning after my arrival. I know I spoke on the 27th of October, and the same night I went to Chicago.

Q. Did you accomplish any reputation in Chicago?

A. I obtained the position of speaker. I spoke about fifteen miles from

Chicago, but I made no other speeches, for I did not like the way I was treated.

Q. Have you any bad feeling towards Colonel Grenfel?

A. No, sir; I entertain the highest respect for him; I think he is the best soldier I ever saw, without exception.

Q. Better than Colonel Anderson?

A. Colonel Anderson is the best man I ever saw, but Grenfel is the best soldier.

Q. Then, because you have so high an estimate of him, I suppose you are anxious to make these statements, are you?

A. My statements I make because I am under oath and a witness here, and because it is my duty to do so.

Q. What is your position to the government to-day?

A. I am a citizen of the United States government, and a witness here in this case; that is all, sir.

Q. Are you in the employ of the government?

A. I am not, sir.

Q. Have you, at any time, received pay from the government during the last year?

A. I have, sir.

Q. About what amount?

A. That is nobody's business but my own and the government's.

Counsel: Well, sir, I submit that it is, and I now propose, if the court please, to show that this man has boasted that he has received the sum of six thousand dollars from the government, being a thousand more than he was to get for revealing the Detroit conspiracy; and that, in fact, he has received a large sum of money from the government of the United States for services in this case; and I now ask it, for I take it that it goes to his credibility.

Witness: I can tell you, sir, the only times I drew money, and I have no objection to tell it; I was in the secret service at the time, but I do not suppose it is necessary for me to develop the facts of that service, and I do not suppose that this court would compel me to do so. When I went to Chicago I found out this conspiracy, as I said, the Saturday evening preceding the day of the election. On the 12th of November I went into the government service. At the time I made these statements and laid bare this conspiracy, I was only doing my duty as a private citizen, and according to the oath I had taken.

Q. Now you may answer my question, I suppose. How much money did you receive from the United States government?

A. I received my expenses, and losses which accrued to me there, in taking necessary steps to get these men. I received, I suppose, some nine or ten hundred dollars.

Q. Did you at any time state to any person that you received the sum of six thousand dollars from the government?

A. I may have said that six thousand dollars would be my salary if I continued in the service of the United States government.

Q. Is that the truth, or is it a falsehood?

A. I have had forty persons trying to "pump" me, and to none of them have I given satisfaction. I may have told that.

Q. If you made that statement that you would receive six thousand dollars a year, is it true or false?

(Question objected to by the judge advocate. Objection withdrawn.)

A. I may have said it, sir.

Q. If you did, was it true or false?

A. It was not true, sir. I do not think, however, I stated it; if I did, it must have been to some of those men who were trying to "pump" me.

Q. But you think you have stated it?

A. Very likely I did.

Q. Then, are you in the habit of lying in your private conversation?

(Question objected to by the judge advocate as illegitimate, and withdrawn.)

Q. You say that in November last was the first experience you had as a detective in the employ of the United States; are you now employed in the same capacity by the United States government, and under its pay?

A. I am not, sir.

Q. When were you discharged, or when did you leave that post?

A. On the 12th day of this month my term was out; I got my pay, and I am not now in the government service in any way or shape.

Q. Have you at any time approached any person and asked them to become a witness against Mr. Walsh, and told them that by so doing they could receive pay?

A. I have not, sir.

Q. Think.

A. I have not, sir.

Q. Have you at any time asked any person to come forward as a witness against Mr. Walsh?

A. I have not, sir. I stated in Camp Douglas, to prisoners there, that if they would come out and make a frank confession in the matter, that confession would go in mitigation of their sentence, whatever that might be.

Q. By whose direction did you do that?

A. At my own instance.

Q. Had you any authority, in your capacity as government official, to make that statement to the prisoners?

A. I had not, sir.

Q. Did you not ask Colonel Grenfel to become a witness against Mr. Walsh?

A. I told him, I suppose among others, that if he would come out and confess the whole matter and implicate those concerned in the matter, I would use my influence to see that he was let loose, if he made a full confession, and implicated all who were connected with the affair. I made such a proposition as that to Mr. Walsh himself, and told him he had better realize his position at once. He told me in Camp Douglas that if I would take him into the secret service he could catch all these men.

Q. When was that?

A. I do not recollect the date. He requested me to come and see him, when he made that proposition to me.

Q. Who did he send to you by?

A. By Lieutenant Bacon.

Q. Did you see him alone, or in the presence of some person?

A. I had a private interview with him.

Q. Then there were no witnesses of that famous conversation?

A. I do not think there were any witnesses. Lieutenant Bacon, or some of the guards, may have heard it.

Q. Where was it?

A. In the back guard-room where the men slept—behind the main guard-room.

Q. Did you not, sir, in a conversation with Mr. Walsh, in reply to his statement that this was a pretty good electioneering dodge, say to him "yes," but you were a little frightened at the number of men engaged in it?

A. I recollect his asking me such a question as that, but I do not recollect making any such reply. I think that was the next day after he was confined in Camp Douglas.

Q. Did you not further state to him that you were afraid that too many people in the city and State of New York believed it was an electioneering dodge?

A. I believe I did say that to him. I said that I was afraid, if I recollect rightly, now, that there were too many persons believed it to be an electioneering dodge, instead of a reality.

Q. Why were you afraid that the people of the city of New York would think this was an electioneering dodge?

A. I did not specify New York particularly, but Illinois, Ohio, and throughout the country.

Q. Why were you afraid that the people would consider it as an electioneering dodge?

A. Because I was afraid the press in favor of that conspiracy would endeavor to make it an electioneering dodge.

(Mr. William Charles Walsh here came into the court-room.)

Q. Is that the young man you spoke of as being Mr. Walsh's son? (The counsel here pointed to Mr. Charles Walsh.)

A. Yes, sir.

Q. Was the person in the house at the time you saw the daughters and the wife of Mr. Walsh the same person to whom I have directed your attention?

A. If Mr. Walsh has not a twin-brother, that is the man.

Q. Is it not the fact that you were afraid that this would be believed as an electioneering dodge, and injure the cause you were embarked in?

Witness: What cause do you mean?

Counsel: The cause that you were using your eloquence for, sir.

A. At that time I had withdrawn from the canvass; I was not embarked in any cause.

Q. Then, when your occupation was gone, you had no further feeling with the cause?

A. I felt for the cause, but I was not an advocate of it at that time.

Q. You were not an advocate?

A. I was in favor of it in preference to the other.

Q. But not warmly in favor of it?

A. Yes, sir, I was. I do not believe any man could take the oath of allegiance to the United States government and vote the democratic ticket at the November election—especially, knowing as much as I did about it.

Q. Is that still your opinion?

A. Yes, sir, it is.

Q. Then you think a man who would stand in arms against his country, and join the murderers of her people, is a patriot, while a man differing with him in political sentiments is a rebel?

A. I fought an open and avowed enemy; as long as I was an avowed enemy I fought against it. I never fought against men, women, and children at home. I fought for my country in the field as a private soldier, as a non-commissioned officer, and in other capacities, and when I returned home and took the oath of allegiance to the government, I intended to keep that oath inviolate, and among other things which I considered my duty I canvassed for Abraham Lincoln.

Q. Fighting "openly and avowedly" for the purpose of destroying one of our cities—is that what you mean by open soldiery?

A. I had not taken the oath of allegiance, and was still a rebel soldier.

Q. Did you not just state that you had always acted as an avowed enemy of the republic, a private soldier in the field?

A. I went away, sir, with arms around my back.

Q. Was it "on your back" or by your side that you had your arms?

A. Around my waist.

Q. Concealed?

A. Yes, sir.

Q. And is that what you call open and avowed soldiery?

A. I plead guilty to that once.

Q. Now, then, were you engaged in open and avowed warfare when you undertook to black-mail the citizens of Detroit?

(Question objected to by the judge advocate as incompetent and irrelevant, and withdrawn.)

Q. Now, Langhorn, or Johnson.—

Witness: My name is Langhorn, sir.

Counsel: Oh! that is your *genuine* name, is it?

Witness: Yes, sir; that is my genuine name.

Q. How many times have you been in the city of Washington, in reference to matters pertaining to the government, since October last?

A. I have not been in Washington since October.

Q. Have you been in any other cities except those that you have named?

A. I have been in Detroit, Chicago, and in this city. I came to Cincinnati twice.

Q. When did you first come here; before or after Major Burnett had been in Chicago?

A. I think both times I came here, was before I ever saw Major Burnett. I got here, I think, the day after these prisoners were captured at the hotels and taken to the McLean barracks.

Q. Do you know who roomed with Grenfel at the Richmond House?

A. I do not; I never pretended to.

Q. Do you not know who roomed with him at the time the convention was in session?

A. No, sir; I do not.

Q. Who did he room with during the election?

A. I do not know, sir; I do not know as to either time.

Q. Have you, sir, since the commencement or about the time of the commencement of this trial, made offers, or authorized any other persons to make offers for you, that you would leave the city of Cincinnati, and not appear as a witness?

A. I never did, sir.

Q. Did you not make that offer to a gentleman stopping at the Burnett House (I cannot be more specific) during the first week of this trial?

(Question objected to by the judge advocate.)

Witness: I will answer it—I did not, sir.

Q. Did you authorize any person to make it for you?

A. I never did, sir.

The witness was then cross-examined by Judge Key, on behalf of the accused, Charles T. Daniel.

By the accused:

Q. Did you ever see the accused, Daniel, before his arrest?

A. His face is familiar to me, but I cannot say that I ever saw him.

The witness was here cross-examined by E. G. Asay, esq., on behalf of the accused, Walsh.

By the accused:

Q. Were you present in the city of Chicago at a public meeting held in Bryant's hall, when there was a thousand dollar draft presented to Colonel Sweet, and a dog exhibited?

(Question objected to by the judge advocate.)

E. G. Asay, esq., counsel for accused, said he wished to prove a singular occurrence; he said he wished to show that at a certain time the ladies of Chicago were called together in a great hurry at the instance of the witness on the stand, to present a thousand dollar draft to Colonel Sweet, and to exhibit Colonel Grenfel's dog as Marmaduke's bloodhound.

(Objection withdrawn.)

Q. Did you get up that enterprise?

A. No, sir.

Q. Had you any hand in getting it up?

A. I had no hand in it.

Q. Did you know that Colonel Grenfel's dog was taken from the camp to be exhibited in a public manner—that placards were posted throughout the city, and advertisements appeared in the papers of Chicago, to the effect that Marmaduke's bloodhound would be exhibited at twenty-five cents per head?

A. I never heard of such a thing. I never heard of placards being posted throughout the city or of advertisements appearing in the newspapers. I never saw the dog that I know of. I was at the Bryant hall manifestation. I went there and paid my money, and that is all I know of the matter.

Robert Hervey, esq., on behalf of Judge Morris, announced that he would not cross-examine the witness.

The witness was then cross-examined by Judge Broadhead, on behalf of the accused Marmaduke.

By the accused:

Q. Do I understand you to say that you never saw Marmaduke until after he was arrested?

A. I do not remember to have ever seen him. If I ever met him, it was not under the name of Marmaduke, but an assumed name. Most of the rebels in Canada went under assumed names.

The witness was then re-examined by Colonel Jackson, assistant counsel on behalf of the government.

By the JUDGE ADVOCATE:

Q. You have answered in your cross-examination the question whether you ever held office of any kind—you confined your answer to military offices, and you stated you were a non-commissioned officer. Were you ever elected to any civil office while in the south? and if so, what?

A. I run for congress once.

Q. Were you elected or not?

A. I think I was elected, but the other man got the certificate.

Q. For what reason?

A. I will explain it to you.

(Objected to by the accused.)

Q. Where were you when you were elected?

(Question objected to by the accused. Question withdrawn.)

By the COURT:

Q. You say you left the service of the government of the United States on the 12th of January, 1865. Were you induced to leave the service of the government by reason of your being about to testify in this case, or was there any other reason for your act?

A. I was not induced to leave the government service for the purpose of testifying in this case; the term for which I was employed expired on the 12th, and I was paid for the services I had rendered up to that time. I was then a citizen, and had nothing more to do as an officer of the government.

Q. The matter of your testifying in this case had nothing to do with your discharge?

A. Nothing at all, sir, that I know of.

Q. You have not been retained since by the government, nor paid anything for it?

A. I have not, and do not know that I shall be again. I only acted in that

capacity because my own life was involved, and I felt it was my duty while these men—confederate assassins—sent to track me in Chicago, and throughout the whole country—I felt it my duty to get them out of the country, and I think I succeeded fairly in doing it.

• (The witness here desired to make a statement, which he gave as follows :

If the court please, I have this explanation to make. The testimony that I gave yesterday—especially the latter portion of it—was such that if it is allowed to go as it is, it would leave a great prejudice against me among the audience, as well as the members of the bar who are here. I wish it distinctly understood that at the time I entered in this raid, as the counsel were pleased to call it, I was a rebel soldier—a sworn enemy of the United States government, and in such a capacity, as a rebel soldier, an open and avowed enemy of the country. I had a right to get up such a *ruse de guerre*. Then, again, the counsel have spoken of these papers as being forgeries. Now, that name Brown, which was signed on that paper, was not a forgery so far as I am concerned, because I never knew the man, did not know the rank he then held, and because the whole name did not represent any tangible person that I knew. I have another remark to make ; in the papers that I have seen this morning—the Cincinnati Daily Enquirer, the Gazette, and the Commercial—I find the testimony distorted to such an extent that I would not know it was mine unless I saw my name placed at the head of it. It is not the testimony I gave here yesterday, I do not think. There were mistakes in names, in dates, and in the connection of facts. That is all the explanation I have to make.)

WILLIAM P. COMSTOCK, a witness for the government, was then introduced, and being duly sworn by the judge advocate, testified as follows :

By the JUDGE ADVOCATE :

Q. State your name and place of residence.

A. William P. Comstock ; I reside in Chicago, on the west line of Camp Douglas.

Q. How long have you resided there ?

A. Since October, 1865.

Q. What are you engaged in ?

A. I am at present employed on the board of works as assistant assayer.

Q. Do you know the defendant Walsh ?

A. I do.

Q. Where does he reside when at home ?

A. In Cottage Grove.

Q. How far is that from Camp Douglas ?

A. About 600 yards.

Q. How many houses are there between his house and the camp ?

A. In a direct line there would be but two houses.

Q. Did you have any conversation with Mr. Walsh during the month of October, 1864 ?

A. I did, sir ; on board the street cars in Chicago.

Q. In what part of the month of October was this ?

A. I think about the middle.

Q. Who commenced the conversation ?

A. I do not recollect.

Q. Was anything said about Camp Douglas and the prisoners there ? If so, what ?

A. Walsh asked me how I was getting along ; I remarked "about as usual ; pretty rough," but that "the camp was very annoying ;" those were my very words.

Q. What did Walsh say in response ?

A. He replied "You will soon be rid of that." I asked, "why do you think so?" and that terminated the conversation.

Q. Why did it terminate?

A. He did not reply; others came into the car, and that ended the matter.

Q. Was there any opportunity of replying?

A. He might have replied if he desired to do so; an opportunity was given.

Cross-examination:

By E. G. ASAY, esq., counsel for Walsh:

Q. Was Aaron Haven on board that street car?

A. No, sir; I think not.

Q. Who else was there besides your two selves?

A. I do not think any one was at the time we first met; if so, he was in the other end of the car.

Q. Was not Aaron Haven there?

A. I am certain he was not.

Q. At that time they were holding a number of peace meetings in Chicago, were they not?

A. There might have been, but I do not recollect.

Q. At what place did you get on the car?

A. At Ridgley Place, on my way to the city.

Q. Had there not been at that time a report that the camp was to be removed out of the city of Chicago?

A. No, sir; there had been such rumors a year or two before. An attempt was made by the Chicago University to have it removed, but that was two years ago.

Q. Did you not try yourself?

A. I do not think I did.

Q. Were you talking in the car as men generally do when they meet?

A. Mr. Walsh and I generally speak, and we were talking as we usually do; we were not talking out loud; had others been in the car I do not think they would have heard.

Q. Were you whispering?

A. No, sir.

Q. Were you talking in your ordinary tone of voice?

A. Yes, sir.

By the COURT:

Q. What did you understand by the peace meetings referred to by the counsel?

A. I do not know to what he refers.

WILLIAM CHARLES WALSH, a witness for the government, was then introduced, and being duly sworn by the judge advocate, testified as follows:

By the JUDGE ADVOCATE:

Q. State your name?

A. William Charles Walsh.

Q. Are you a son of the defendant Walsh?

A. Yes, sir.

Q. State where you were on the 1st of October, 1864?

A. I arrived at Chicago on October 1, from Niagara Falls.

Q. Where had you been at Niagara Falls?

A. At school, on the American side.

Q. Did you remain at home during the months of October and November, 1864?

A. I was not at home in November. I was at home from the 1st of October until I was arrested, which was on the Sunday immediately before the election.

Q. State if, during the months of October or November preceding your arrest, you noticed any arms at your father's house ?

A. No, sir ; except on the Sunday on which I was arrested.

Q. Then on the Sunday preceding the election you did see some arms ?

A. Yes, sir.

Q. What arms were they ?

A. Pistols.

Q. How many were there ?

A. I could not give any estimate.

Q. Where were they ?

A. In the room off the parlor, which is used as a bed-room.

Q. Where is the room situated with reference to the hall ?

A. The hall, if it ran through the house, would take the room right away ; it is to the right of the parlor.

Q. Is there a front parlor to your house ?

A. Yes, sir ; a front and back parlor, with folding doors between.

Q. In what shape and position were these pistols ?

A. Piled up in a corner.

Q. To what height were they piled ?

A. I could not give an estimate.

Q. About how many were there ?

A. I could give no estimate.

Q. Were there as many as 250 ?

A. There might have been 250, and there might not.

Q. Were there as many as 500 ?

A. I think not.

Q. Were there as many as 400 ?

A. I could not say.

Q. Were there more or less than 400 ?

A. I think less, if anything.

Q. What is your opinion, were there as many or more than 300 ?

A. I could not say.

Q. How much space in the room did they occupy ?

A. A small space in the corner.

Q. Were they piled up higher than the place they occupied at the base ?

A. No, sir.

Q. In what way were they piled up ? Were they piled up carefully and orderly, or promiscuously ?

A. Promiscuously.

Q. Were they piled up one, two, or three feet high ?

A. About a foot, I suppose.

Q. How many feet square did they cover at the base ?

A. A foot and a half at the base and a foot high.

Q. Did they reach out a yard from the wall ?

A. No, sir.

Q. From either wall ?

A. Not so far as that.

Q. What else was there in the room ?

A. There was a bed.

Q. Were there any chairs, or table ?

A. No, sir ; not that I know of. I could not say whether there was a table or not.

Q. Was there a washstand ?

A. Yes, sir.

Q. Did you look into the room to see if there were any arms there ?

A. No, sir ; I only just looked into the room for my coat or hat.

Q. Did you look under the bed and see if there were any arms there ?

A. No, sir.

Q. When you attempted to go into the room for your coat or hat, were you obstructed by any one ?

A. No, sir ; I do not recollect that I was.

Q. When you were going to the sitting-room for your coat or hat, did not some person forbid you ?

A. No, sir ; I do not recollect.

Q. Were you going into the room for any purpose and were forbidden ?

A. No, sir.

Q. Were you going into any other room, and forbidden by any one to enter it ?

A. No, sir.

Q. Was there any room in which there were any munitions of war ?

A. No, sir ; not that I know of.

Q. Was there any room in which there were cartridges stored ?

A. Yes, sir ; there were some few cartridges in the sitting-room closet.

Q. Where is this room ?

A. It is off the sitting room. The cartridges were in the cupboard of that room.

Q. How were they done up ?

A. They were on some brown paper and loose ; I believe they were cartridges my uncle bought when he was down south ; they were rebel cartridges ; that is what I heard.

Q. What do you know about cartridges being made in your father's house ?

A. I know nothing at all ; I never heard tell of any cartridges being made in the house.

Q. Was there any conversation between you and any persons of your family as to cartridges being made in your house ?

A. No, sir.

Q. At no time ?

A. No, sir.

Q. Did you never hear any conversation in your family about cartridges being made in one of the rooms of your father's house ?

A. I never did.

Q. Were you forbidden to enter any room of your father's house because they were making cartridges ?

A. I answered that question once before ; I did not.

Q. Were you forbidden to enter any room of the house for any reason ?

A. That is the same question I answered before ; I was not.

Q. Then I understand you to say, fully and explicitly, that never, at any time, by any person, were you prevented, or caused not to go into any room of your father's house ?

A. Yes, sir ; that is what I mean.

Q. Did you have any conversation with your mother about the matter of going into these rooms ?

A. No, sir.

Q. Do you say that you never did ?

A. No, sir ; the only time she had anything to say was when I saw those pistols ; I met her in the back parlor.

Q. Did you make any inquiries as to what they were for ?

A. I asked her what they were for, and she said it was none of my business.

Q. Did you ask her with reference to other matters going on in the house ?

A. No, sir, I did not.

Q. Was your father at home during the month of October and the early part of November ?

A. He was at home in the morning.

- Q. What time did he usually return at night?
 A. At no particular hour.
 Q. Did he come home before dark?
 A. Sometimes he did and sometimes not.
 Q. What was his usual habit?
 A. About half the time he was home early.
 Q. Do you know at any time preceding the election of any persons being at your father's house and remaining there all night?
 A. No, sir; I do not.
 Q. Do you know Travis Daniel?
 A. I got introduced to him the Sunday night I was arrested.
 Q. Had he been at your father's house before that time?
 A. I never saw him before in my life.
 Q. Was he not arrested at your father's house?
 A. I could not say.
 Q. When were you arrested?
 A. Twenty minutes past 1 o'clock Monday morning, November 7.
 Q. Was Charles Travis Daniel arrested at your father's house at the same time?
 A. I do not know that he was in the same house.
 Q. Who opened the door when the officers came?
 A. I went to the door and asked them what they wanted, and they said they wanted Charles Walsh. I asked them what for. They did not give me any answer, and then they told me if I did not open the door they would damn soon let me know. They arrested me and my father.
 Q. Did they arrest any other parties and have them to come along?
 A. No, sir, they did not.
 Q. Did you ever see the defendant Daniel; was he at your house the night before you were arrested?
 A. Yes, sir, I saw him on the morning of my arrest; he was in our parlor talking with my sister.
 Q. Was there another person in your father's house that evening?
 A. George Colman.
 Q. Is that the name by which you were introduced to him?
 A. Yes, sir.
 Q. What is his right name?
 A. I learned at headquarters, next time I saw him, that his right name was Cantrill; I do not know whether his true name is Colman or Cantrill.
 Q. Is he the same person that is known here as George Cantrill?
 A. Yes, sir.
 Q. Did you see him here?
 A. Yes, sir; he is the sick man that was here; it is the same person.
 Q. Were Daniel and Cantrill at your house the morning before the arrest?
 A. Yes, sir.
 Q. Do you know if they slept there?
 A. I do not know whether they did or not.
 Q. Were Cantrill and Daniel arrested at your house when you were?
 A. I could not say.
 (Explanation of the counsel: The fact is, they were taken to camp, and the officers went back and arrested the two defendants in the house.)

By the JUDGE ADVOCATE:

- Q. Was it in the house or on the roof?
 Counsel replies: As far as we are concerned, in the house.
 Q. What were these men doing when you were introduced to them?
 A. Nothing that I know of; I thought they came up with my uncle.

Q. Do you mean your uncle in the rebel army?

A. No, sir.

Q. Then the only time that you were ever spoken to about what was going on in that room was when you were told that it was none of your business?

A. Yes, sir.

Q. Did the conversation extend any further?

A. No, sir.

Q. Have you made a statement, reduced to writing, that you were forbidden to go into that room by any person?

(Objected to by counsel, but objection withdrawn.)

A. Not that I know of.

Q. Have you made any statement of what you know in this matter to the judge advocate of this department under oath?

A. Yes, sir.

Q. In that statement to the judge advocate, did you, or did you not, inform him that you sought ingress to that room and were forbidden?

A. Not that I know of.

Q. And that you wanted to go in and get your hat, and when you asked to go in, were forbidden?

A. No, sir; not that I recollect.

Q. What time did your father get home on the Sunday night when these two men, Cantrill and Daniels, were there?

A. He had not returned when I went to bed.

Q. Do you know what time he came home?

A. No, sir.

Q. Was he arrested on that night?

A. Yes, sir; at twenty minutes past one o'clock.

Q. Were there other strangers visiting your house during October and November?

A. Not that I know of.

Q. Were you at home during the day and evening?

A. No, sir; I was very seldom at home.

Cross-examination by E. G. ASAY, esq :

Q. Where were you during the month of August, 1864?

A. I was at home part of the time, and on the farm at Peoria, Illinois.

Q. When did you return from school?

A. On the 1st of October.

Q. Do you know Mr. Langhorne, who was on the stand this morning?

A. Yes, sir.

Q. Were you at home at any time in August, 1864, when any cartridges were made—when Langhorne was at your house?

(Question objected to by the judge advocate, as seeking on the cross-examination to disprove the statement of another witness, and which could only be done by making this witness their own.

The court was cleared for deliberation, and upon being reopened the judge advocate announced to the accused that the objection was overruled, and the question might be answered.)

A. I never saw the man in all my life until I saw him in Camp Douglas.

Q. Were you ever present at your father's house, engaged in making cartridges, at any time during 1864.

A. No, sir.

Q. Have you made or assisted in making cartridges at your father's house, at any time?

A. No, sir.

- Q. Who is your uncle that you saw, who brought the rebel cartridges there ?
 A. Joseph Thehon, first lieutenant in the Union army.
- Q. Who raised, or who assisted largely in raising, the regiment to which he belonged ?
 A. My father.
- Q. Is that known as a Catholic regiment in Chicago ?
 A. Yes, sir.
- Q. It is sometimes called Father Dunn's regiment, is it not ?
 A. Yes, sir.
- Q. What is the number of that regiment ?
 A. Ninetieth regiment Illinois volunteers, raised in and around the city of Chicago. One company came from Galena, and one from Rockford ; the rest came from Chicago.
- Q. Do you remember the twenty-third regiment ?
 A. Yes, sir.
- Q. Who was the colonel of that regiment ?
 A. James A. Mulligan.
- Q. Who raised that regiment ?
 A. My father, who was elected colonel.
- Q. Was it not refused by the government ?
 A. Yes, sir, it was ; but Colonel Mulligan went to Washington and got it accepted.
- Q. Were you at one time in your father's house, when either of your sisters, or both, were engaged in making cartridges ?
 A. No, sir.
- Q. How many sisters have you between fifteen and twenty years of age ?
 A. Three ; Mary, Maggie, Letitia.
- Q. How old is Maggie ?
 A. Eighteen years old. Mary is twenty, and Letitia is sixteen.
- Q. Did you ever know of or see any cartridges in your father's house, that had been made there to your knowledge ?
 A. No, sir.
- Q. What family had your father living at home in August, September, October, November, and December, 1864 ?
 A. The whole family, consisting of ten children, my father, mother, and my aunt.
- Q. What is the house made of ?
 A. It is a wooden one with stone foundation.
- Q. How long has your father lived in that house ?
 A. Four years.
- Q. What business was he engaged in ?
 A. In the livery business ; also the railway business on the Michigan Central railroad, carrying freight from one depot to another, and around the city.
- Q. Did that occupy his time until late at night, as well as all day ?
 A. Yes, sir, frequently.
- Q. Had he not frequently to wait the arrival of trains ?
 A. Yes, sir.
- Q. Was it an unusual thing, while he was engaged in that business, to be down town until late at night ?
 A. It was a usual thing.
- Q. Were you introduced to those two gentlemen who were at your house that night ?
 A. Yes, sir.
- Q. By whom were you introduced ?
 A. By my sister ; my uncle had gone down town.
- Q. By whom were they introduced into the house ?

A. I do not know.

Q. Had you ever seen them before that night?

A. No, sir.

Q. Have you any reason to believe that they were ever in that house before that night?

(Question objected to, and withdrawn.)

Q. Do you know what those arms in that house were for?

A. I do not, sir.

Q. Have you ever heard your father or any one else declare?

(Question objected to, and withdrawn.)

Q. At any time before your father's arrest, had you heard of the existence of arms for any specific purpose?

A. Not that I recollect.

Q. Did you ever hear Langhorn make any statement as to whether he was there on Sunday?

A. I did on Monday. On Sunday and Monday my mother had been to my grandmother O'Dowd's funeral. I do not recollect at what time she returned to the house.

Q. Where did your uncle obtain these cartridges you call "rebel cartridges?"

A. Some place in La Grange, Tennessee.

Q. What was said as to what they were for, and as to where they came from, by the person who brought them?

(Question objected to as illegitimate.)

The court was cleared for deliberation; on being reopened, the judge announced to the accused that the objection was sustained.)

The commission then adjourned to meet on Friday, January 27, 1865, at 11 o'clock a. m.

COURT-ROOM, CINCINNATI, OHIO,

January 27, 1865—11 o'clock a. m.

The commission met pursuant to adjournment. All the members present; also the judge advocate and the assistant counsel, the accused and their counsel.

The proceedings were read and approved.

The examination of W. C. Walsh, a witness for the government, was then resumed, as follows:

By E. G. ASAY, esq.

Q. When and where did you for the first time see the accused Grenfel?

A. I believe it was in Cincinnati.

Q. Was he at your father's house at the time of your arrest?

A. No, sir; I never saw him till I saw him under arrest in this city.

Q. While at Camp Douglas were you put in irons?

A. No, sir.

Q. Were you put in confinement?

A. Yes, sir; by the order of Colonel Sweet

Q. Were you at any time threatened by any person, to induce you to give evidence?

A. Yes, sir.

Q. By whom?

A. By Mr. Langhorne.

Q. When was that?

A. The next day after I was arrested.

Q. State to the court what he said to you.

A. He said the best thing I could do was to tell everything I knew about it; that if I did not I should have to abide by the consequences.

- Q. Did he say what the consequences would be ?
 A. He said it might be hanging.
 Q. Did he make any further threat ?
 A. No, sir.
 Q. Were you at any time approached by officers on this subject ?
 A. No, sir.
 Q. Were you by Colonel Skinner ?
 A. Colonel Skinner was up at headquarters once, and he said I should come out the same as Langhorne told me.
 Q. What was your answer ?
 A. I told him I would tell all that I knew.
 Q. Have you related to this commission all that you know of this matter ?
 A. Yes, sir.
 Q. You said you were sometimes at your father's farm ; where is that ?
 A. At Gillman Station.
 Q. Were you at one time at Peoria ?
 A. Yes, sir.
 Q. Who accompanied you ?
 A. My sisters Mary and Maggie.
 Q. Was that at the time of holding a large political meeting there ?
 A. Yes, sir.
 Q. Where was the meeting held ?
 A. In the court-house square.
 Q. What time was this ?
 A. It was before the nomination of McClellan.
 Q. Was it between the nomination of McClellan and the voting for Mr. Lincoln ?
 A. Yes, sir.
 Q. Were you not in Canada ?
 A. I was at Niagara Falls, at school, and had to go through Canada.
 Q. Where were you at school ?
 A. At the seminary of the Lady of Angels.
 Q. Were you in Canada upon any mission from your father or any one else ?
 A. No, sir.

Cross-examination :

By T. M. KEY, esq., of counsel for the accused :

- Q. What was the hour at which you returned to your father's house on the Sunday preceding the election ?
 A. I think about 9 o'clock ; staid up for half an hour, and then went to bed.
 Q. Did you say you found Daniel and Cantrill in the parlor ?
 A. Yes, sir.
 Q. I think you stated that your uncle, who came up with them, had returned ?
 A. Yes, sir.
 Q. Who was that uncle ?
 A. The Union officer I have spoken of.
 Q. Who was in the parlor besides those you have mentioned ?
 A. Mary and Maggie.
 Q. Anybody else ?
 A. No, sir.
 Q. What time did you go to bed ?
 A. Half past nine ; when I left them there, my father had not returned.
 Q. At what time on Sunday do the street cars cease running ?
 A. I do not know.
 Q. Do they run as late at night as usual ?
 A. They stop earlier on Sunday.
 Q. Had your father returned to the house ?

A. No, sir.

Q. Was this the same night on which you were arrested?

A. Yes, sir.

Q. How far is your father's house from the centre of the city, say from the Tremont House?

A. Four miles.

By E. G. ASAY, esq., of counsel for the accused :

Q. At whose suggestion were you sent to the school that you went to at that time?

A. My oldest uncle and Father Dunn, a Catholic clergyman, in Chicago.

Re-examination :

By the JUDGE ADVOCATE :

Q. Do I understand that you went through Canada to go to school?

A. Yes, sir.

Q. Where did you strike Canada from the United States?

A. I crossed over from Detroit to Windsor, and went to Niagara to school.

Q. In the conversation with Mr. Langhorne, of which you have been asked, was anything said about the looks of your hands as to being clean and white, or rusty and black?

A. No; it was not Langhorne; I think it was another gentleman, who said they were rusty and black.

Q. Where was this?

A. In the prison.

Q. Just after you were arrested?

A. It was two or three days afterwards.

Q. Were they rusty and black, or were they clean and white?

A. I did not wash them; we had no water.

Q. At the time of your arrest were they rusty and black?

A. No, sir.

Q. Was there any conversation at the time of your arrest about their being rusty and black?

A. No, sir.

Q. Was there no conversation at all at the time of your arrest about your hands being rusty and black?

A. No, sir, not that I can recollect.

Q. Had there been such a conversation would you be likely to recollect it?

A. I cannot recollect whether there was or not.

Q. Did ever anybody take you to task about the condition of your hands?

A. No, sir.

Q. Had you been dealing at all with powder?

A. No, sir.

Q. What did you come into your father's house from the farm for?

A. I had gone down to the farm for one day, and returned the next; it was only a visit to the clerk.

By the COURT :

Q. Was your uncle an officer in the Union army at the time he brought those cartridges home?

A. I don't know; I think he had just returned from the south. I could not say whether he was in the army or not at the time.

Q. Did he leave the army?

A. Yes, sir, he did.

Q. How did he leave the army, and for what reason?

A. I do not know.

Q. Have you heard why he left the army?

A. No, sir; he just resigned and came home.

Q. How do you know that?

A. I heard it stated, so.

Q. Did you hear, ever, any other reason for his coming home?

A. No, sir.

Q. Was there any other talk in the family about his returning?

A. No, sir.

Q. Did you state in your evidence before this court that you had previously sworn before the judge advocate as to the testimony you could or would give at this trial?

A. Yes, sir.

Q. Did you say you went to the door when the authorities came to arrest you?

A. Yes, sir; I was in bed asleep at the time.

Q. In what part of the house?

A. Up stairs, right over the hall.

Q. Were any of the rest of the family at home?

A. Yes, sir.

Q. Where did they sleep?

A. In the different apartments of the house.

Q. How were you woke up?

A. A great rapping at the door. My sister came into my room, and said there was a great rapping at the door. I think my sister slept in the front part of the house up stairs.

Q. Have you a bell to the house?

A. Yes, sir.

Q. How was it you answered the call instead of your father?

A. I was awakened up by my sister. My father's room was locked.

Q. How was it you answered the door without apprising your father of the fact?

A. I did not think it was necessary.

Q. Did you then apprise your father?

A. Yes, sir, and I told him there were some soldiers, and he then got ready and came down.

Q. Did you have to pass his room in going down stairs?

A. I passed by his door. My father was putting on his coat as he went down stairs.

Q. How long had you been home when your father was arrested?

A. A month and three or four days.

Q. Did your sister sleep as near your room as your father's?

A. She had to pass the door of my father's room to get to mine.

Q. You spoke about pistols in the house; what kind were they?

A. I do not recollect what kind they were; I did not examine them at all.

Q. Where were you on the 29th of August?

A. I could not say.

Q. What time was it that your uncle returned from La Grange?

A. I do not know what month it was.

Q. Were you at home when he returned?

A. I do not recollect.

Q. How did you know that he brought those cartridges from La Grange?

A. I heard my sister say so.

Q. Was your sister *en deshabille* or dressed when she came to arouse you?

A. She was partly dressed. She had just got her dress on, it seemed, as though she had just got up.

Q. How many cartridges do you think there were on the shelf?

A. Seven, eight, or ten, lying loose on the shelf.

Q. What kind of cartridges were they?

A. There was a ball and two or three shot in each cartridge; I think they were all the same kind.

E. G. Asay, esq., desired to ask further questions, to which the judge advocate objected, on the ground that the witness cannot be interrogated upon the questions asked by the court.

The court was then cleared for deliberation. On being reopened the judge advocate announced to the accused that the objection was sustained by the court.

By the COURT:

Q. What was the reason for your leaving school?

A. Sickness.

Q. Were you home-sick?

A. Not exactly home-sick; I did not like the water down there; it made me sick.

Q. Why did you not like the water?

A. It was not very good.

Q. Were there any lights in the house when you were aroused by the guard?

A. Yes, sir; there was a light in the hall, up stairs.

Q. Were all the members of your father's house in bed when the guard came to the door; if not, who was up?

A. I do not know if any of them were up; I think they were all in bed; all that I saw were.

Q. What was the custom in your father's house as to the burning a light all night?

A. It was the custom to burn a light all night in the hall.

Q. Is your father's house isolated, or are there houses near; if so, how near?

A. There are two houses within a quarter of block, and another opposite; a block means a square.

GEORGE W. HULL, a witness for the government, was then introduced, and being duly sworn by the judge advocate, testified as follows:

By the JUDGE ADVOCATE:

Q. State your name and present place of residence.

A. Louisville, Kentucky.

Q. Are you a citizen or a soldier?

A. I am a citizen.

Q. Have you ever before this trial seen any of the accused at the bar?

A. I remember of seeing two.

Q. Who were they?

A. Colonel Anderson and St. Leger Grenfell.

Q. Have you ever seen the man called George E. Cantril?

A. Yes, sir; I have.

Q. Where did you first see him?

A. I saw him in the south.

Q. In what capacity was he acting?

A. He was lieutenant of a company; I was private under him.

Q. In the confederate army?

A. Yes, sir.

Q. Where did you first see Lieutenant St. Leger Grenfel?

A. If I remember right, I think it was at Chattanooga, Tennessee.

Q. How long had you been there at that time? Where did he come from to that point?

A. I heard him say he was from England; that he had been in the English

service, I think, twenty-three years, and that he had come all the way to the south to join Morgan's command.

Q. Who did he tell this to?

A. He told it to Major Morgan and General Morgan, who was killed.

Q. What were you doing there at that time?

A. I was a private.

Q. In what service, company, and regiment?

A. In the confederate service, company A, Duke's regiment.

Q. Have you seen St. Leger Grenfel till now, since he left the confederate army?

A. No, sir; not until the present time.

Q. Where did you first see Colonel Benjamin Anderson?

A. I saw him in Louisville.

Q. Where did you first see him?

A. Louisville, Kentucky.

Q. Was that before the present year?

A. I saw him first before the war; before the Nicaragua expedition?

Q. Did you see him during the war; and if so, where?

A. I saw him at Bowling Green, on the occasion of the rebel retreat from Bowling Green to Nashville; I saw him riding at the head of his men, on the retreat.

Q. At the head of what men?

A. Some Kentucky regiment, I think the third Kentucky; it was rebel infantry, under Buckner, I think.

Q. Did you see Colonel Benjamin Anderson after he left the rebel service; if so, where?

A. I saw him at Louisville.

Q. Did you see him during the month of October, 1864, in Louisville?

A. I did.

Q. Had you any conversation with him at all?

A. I remember to have had some conversation one day.

Q. Have you had more than one conversation with Colonel Benjamin Anderson since he left the confederate service?

A. I have had several.

Q. Please state to the court what conversation you had with him in the month of October, 1864, and under what circumstances it was, where you were, and all the attendant minutiae of that conversation connected with this conspiracy now under consideration.

A. I met Colonel Anderson in Mr. Redford's store, in Louisville. He stated, after he went out of the store, (he walked with me down to my office,) that his life was in imminent danger; that there was something going on in the north; and asked me if I would not go with him. He stated that all of the men that had returned under the amnesty oath were to be arrested. I told him I would wait until I heard that order was issued before I would leave; he said that he would leave Louisville in fifteen minutes. He had pistols buckled around him.

Q. How many?

A. Several. He had a cartridge pistol in his pocket; I had it in my hand; he showed it to me.

Q. Did you give it back to him?

A. Yes, sir.

Q. How many other pistols?

A. I did not count them; he had several.

Q. How many did you see?

A. I saw two more?

Q. Where were they?

A. One was buckled around him, and the other he had in his hand when I saw him in the store, which he buckled around him also.

Q. Any other weapons of any kind?

A. Not that I remember of.

Q. Any knife of any kind that you saw?

A. I do not remember of seeing any.

Q. State the conversation now.

A. He wanted me to go with him; he said he was going to leave in fifteen minutes.

Q. Where was he going?

A. He said he was going away; that there would be a great rebellion in the north, and that an Englishman had come to Chicago who was to take command of the rebel prisoners after they were released.

Q. State if he said that the Englishman had come to Chicago who was to take command of the rebel prisoners after they were released?

A. Yes, sir.

Q. Where was Colonel Anderson going?

A. I suppose he was going there —.

(Question objected to.)

He did not tell me where he was going; he said he was going away. He did go away.

Q. Did he leave in the afternoon or morning?

A. I think about noon.

Q. Did you see him about there any more after that?

A. Not that I remember of.

Q. What further conversation did you have with him upon this point? What was said, if anything, about the enterprise? Please state all about it.

A. I do not remember anything further.

Q. What was said by Colonel Anderson as to what he was going to do himself?

A. He said he would join the rebellion if it broke out.

Q. You say that he said an Englishman was to take command; was there any more conversation about what the command was to be, and whether or not he had any hand in the matter? Tell all about the command, what it was, its nature, &c.

A. I do not remember that.

Q. Did he say anything as to the number engaged in the rebellion?

A. I do not think he did.

Q. Did he say anything else about the leaders of it, and who they were?

A. He said they had leaders, but he did not tell me their names. He said there was a great deal more going on than I knew anything about.

Q. How did this remark apply to you, when he said that all those who had taken the oath were going to be arrested? Had that anything to do with you?

A. Yes, sir.

Q. That included you, did it?

A. Yes, sir.

Q. Did I understand you to say that he explicitly desired you to go with him?

A. Yes, sir, he did.

Q. Did any of this conversation take place in that store, or was it on the street, in your office?

A. It was on the street as we were walking along.

Q. When he came into that store, did he have any other business there than see you?

A. Yes, sir; he was in the store when I went there.

Q. Who started to go out first, you or he?

A. I started to go out first, and he called me, and then I went out with him.

Q. Did he say anything at all about the want of leaders, or the number they were to have?

A. Nothing further than that there was an Englishman who was capable of taking charge of all the men that were there.

Q. Who was this Englishman? Did you ask him?

A. I asked him if it was St. Leger Grenfel?

Q. What did he answer?

A. I understood him to say that it was.

Q. What conversation, if any, was there that led to this remark, that they had found an Englishman capable of taking command?

A. I told him that I had heard that there was a party in the north called the liberty party, and I was asked to join that party, but I refused to do so. I was asked to join that party in this city; that is what brought on this conversation.

Q. What was said about leaders, or want of leaders, that led to the remark that they had found an Englishman that would lead; I want all the conversation on the question of leadership?

A. He stated that these men were to be liberated, and now they had a man that could lead them.

Q. Who were "these men"?

A. The men that I understood he was to lead were the rebel prisoners, when they were released.

Q. Did he say that those were the prisoners who were to be led?

A. Those and others.

Q. Did he say so?

A. Yes, sir; he said so.

Q. Do you know anything about this liberty party that you speak of? Do you know what its nature and character were?

A. All I know about it is this: that I was asked to join the liberty party; I had never heard of it before, and I was told——

(Objected to.)

Q. Was that a secret or an open organization?

A. I do not know, except what I have been told about it.

Q. Did Colonel Anderson ever ask you to join it?

A. No, sir; he did not ask me to join the liberty party.

Q. Did you, in any conversation, talk about this liberty party, or refer to it at all?

A. Nothing further than what I stated in reference to his having an Englishman to lead them and the rebels.

Q. When he spoke of "them," what did he mean? who were the others besides the rebels?

A. They were the liberty party.

Q. Then he did speak of them?

A. Yes, sir.

Q. Did you learn whether they were secret or open?

A. I learned that they were a secret organization.

Q. When you speak of the liberty party state whether or not, if you know, it is the same as what is known as the "Sons of Liberty."

A. It is the same organization.

Q. Was the conversation between you and Colonel Anderson sufficient for you to learn from him what was their object, and what their ritual?

A. I learned nothing further than that they were to liberate the prisoners.

Q. You were asked at another time, as you say, to join it in this city; who by?

A. Samuel P. Thomas.

Q. Was anything said as to the number of prisoners that were confined at Camp Douglas, in the conversation between you and Anderson?

A. Not as to the number.

Q. Did Colonel Anderson say to you how he had found out that such an order was issued, that all who had taken the amnesty oath were to be arrested?

A. He told me that he had just been talking to General Boyle, and General Boyle told him so.

Q. What was General Boyle at that time? Had he an office? If so, what?

A. I was not acquainted with him.

Q. Was he a federal or a confederate officer?

A. He was a federal officer, I think.

Q. Do you know what command he held?

A. No, sir, I do not.

Q. Did you make an inquiry as to whether such an order had been issued?

A. Yes, sir, I did.

Q. Of the federal authorities?

A. Yes, sir.

Q. What was the fact as to such an order having been issued?

A. There had been no such order issued.

Q. Of what federal officer did you inquire?

A. I sent a friend of mine, by the name of General Strange, to headquarters.

Q. Have you been at any time in the service of the United States?

A. No, sir; not in any way whatever.

Q. Have you received any reward, emolument, or profit for anything that you have said or done with reference to this case?

A. I never have; this testimony is gratuitous on my part; having taken the oath of amnesty, I want to do my duty.

Q. Have you had any promise of reward from any party in any direction?

A. None whatever.

Q. Or hope of any?

A. Nothing of the sort.

Cross-examination by Judge KEY:

Q. To whom did you first communicate the fact that you had the conversation (the nature of which you have described) with Colonel Anderson?

A. I had a conversation with a friend of mine by the name of Jeffries; I was talking with him about the matter; he is the first one to whom I said anything about it.

Q. When was that?

A. I think it was about the 8th or 10th of this month.

Q. In this present month?

A. Yes, sir.

Q. What is Jeffries's name, occupation, and residence?

A. Dr. R. L. Jeffries.

Q. Where does he live?

A. I do not know.

Q. Where did you see him?

A. I saw him in this city.

Q. What brought you here?

A. Private business of my own.

Q. Do you know whether Mr. Jeffries is a detective of the federal government?

A. I think he is.

Q. Did you think so at the time?

A. I did not.

Q. Did he approach you, or did you open the conversation with him?

A. If I remember right he opened the conversation.

Q. Where did this alleged conversation between you and Colonel Anderson take place?



- A. In the city of Louisville.
- Q. Where in the city of Louisville?
- A. Walking along the street.
- Q. I thought you said that it commenced in the store?
- A. I said I met him in the store.
- Q. Whose store?
- A. Mr. Redford's.
- Q. Did the conversation begin there?
- A. No, sir; I do not think it began there; it came up on the street, after we left the store.
- Q. Who were present when you were together in the store?
- A. I think Mr. Ben. Redford was present.
- Q. Was not Mr. Ben. Redford present at that portion of the conversation which took place in the store?
- A. Not that I remember of; he only staid a few minutes.
- Q. Had you been drinking that day?
- A. I had not.
- Q. Had Colonel Anderson?
- A. Colonel Anderson appeared a little excited.
- Q. Excited with liquor?
- A. I do not know whether he was excited with liquor or not; he appeared to be excited, though.
- Q. Did you and he drink together?
- A. We took one drink together.
- Q. How long were you together?
- A. We took the drink at Walker's Exchange. I suppose it took us about ten minutes to walk from there to my office.
- Q. And during that ten minutes he communicated to you what you have here detailed?
- A. Yes, sir.
- Q. He told you that his life was in great peril?
- A. Yes, sir.
- Q. That a revolution was about to break out in the north, and that an order was issued for all persons who had taken the amnesty oath to be arrested?
- A. Yes, sir.
- Q. Refresh your memory and state whether any one did not tell you, that on account of the apprehended revolution at the north all persons who had taken the amnesty oath would be arrested, and whether Colonel Anderson did not tell you he was going south, and proposed to you to go with him?
- A. No, sir; I think not.
- Q. And whether it was not to escape arrest that he was going south?
- A. He did not state that.
- Q. Did he say he was going north?
- A. I understood him to say—
- Q. Say what he said. Did he say he was going away?
- A. He said he was going away in fifteen minutes.
- Q. Did he say where he was going?
- A. No, sir; he did not.
- Q. You stated, in the early part of your examination in chief, that he did not mention to you the name of any leader, and then you said afterwards that he gave you the name of St. Leger Grenfel; which of those statements is correct?
- A. The statement that I made first is correct.
- Q. That he did not mention the name of any leader?
- A. He did not mention the name of any leader. I said this: that he said that it was an Englishman who was to take command, and I asked him if it was St. Leger Grenfel, and he said "yes."

Q. I will ask you on your oath whether he said one word about St. Leger Grenfel ?

A. I have stated what I heard.

Q. Did he say one word to you in regard to prisoners at Chicago ?

A. He did.

Q. Did he mention Camp Douglas or Chicago, either ?

A. He mentioned prisoners there.

Q. The prisoners at Chicago ?

A. The prisoners in the prison. He mentioned no particular prison, if I remember right.

Q. I will ask you if he said anything whatever to you, except that on account of the apprehended rebellion at the north there would be an arrest of all persons who had taken the amnesty oath, and that he was going south ?

A. I thought when he told me this that it was some plot to get me into trouble, and I did not wish to have anything to do with it.

Q. What had been the relations between you and Colonel Anderson ?

A. We had always been very friendly. He was a clerk in our house there.

Q. Did you think he wanted to get you into trouble for some personal feeling towards you ?

A. I thought so on the ground that I had returned under the amnesty oath, and I thought perhaps he still possessed southern feelings, while I did not have any rebel spirit whatever.

Q. What is Colonel Anderson's personal character, good or bad ?

A. He is of one of the best families of Louisville. His character is good.

Q. Is he regarded as a man of honor ?

A. I have always considered him as such.

Q. Is this the reputation he has in the community ?

A. I think it is ; I have never heard anything to the contrary.

Q. You have known Colonel Anderson several years, I believe ?

A. Yes, sir.

Q. I will ask you, when Colonel Anderson drinks if he does not become wild in his conversation ?

A. He becomes, like everybody else, very much excited and wild.

Q. Does he not become greatly more so than any man you know ?

A. No, sir ; not more than any man I know.

Q. Does he not become more so than men usually do ?

A. I think he does.

Q. Does he not become very much more so ?

A. He talks very much excited ; there is no doubt about that.

Q. Does he not, on such occasions, talk extravagantly ?

A. Yes, sir ; I think he does.

Q. You had stated that Colonel Anderson had arms about him. I will ask you, when you were together, if he had a single pistol about his person ? If so, please describe it.

A. He had a cartridge pistol in his pocket, which he showed me ; I had it in my hand, and handed it back to him.

Q. Where did he show it to you ?

A. Mr. Redford's store.

Q. Describe that pistol.

A. It was rather a small pistol, a little cartridge pistol ; I could not describe it exactly.

Q. How many barrels ?

A. I did not notice the number of barrels in it ; it is a small cartridge pistol ; I did not notice the number of barrels.

Q. Did he have any other pistol ?

A. Yes, sir ; he had a navy pistol—it was in a belt, and he buckled that

around him. He had the one on him that I have spoken of; also another that I did not notice particularly.

Q. Did you notice the other pistol?

A. I saw it buckled on him.

Q. What kind of a pistol was that?

A. It looked like any other pistol.

Q. Did he have any others?

A. I do not know how many he had.

Q. Did he not take out that pistol for the purpose of selling it to you—the cartridge pistol?

A. No, sir; not that I remember of.

Q. Did he carry any pistols with him when he went into the street?

A. He had the pistols I had spoken of with him on the street during the conversation we had walking on the street.

Q. What had he about him to conceal the pistols?

A. He had on an overcoat.

Q. Are you sure of that, that he had on an overcoat?

A. I think it was.

Q. He had some wrapper on that concealed these pistols?

A. Yes, sir.

Q. What did he do while you were there with the cartridge pistol; did he not, after showing it to you, put it back in his valise?

A. I think he put it back in his pocket.

Q. Did he not carry it with him when you went together to take a drink?

A. Yes, sir.

Q. Did Colonel Anderson go away.

A. I think he did; I did not see him any more after that until the present time, that I remember.

Q. Did you not meet Colonel Anderson on the night of the next day?

A. If I did I don't remember it now.

Q. Did you not meet him on the night of the next day in front of Owens's hotel?

A. I do not remember now whether it was the evening of the next day or not.

Q. Don't you remember meeting him there, and having a conversation with him?

A. I do not.

Q. Do you know what business Colonel Anderson was engaged in?

A. It was leasing coal-oil territory for Mr. Atcherson and General Boyle; he told me he was in the coal-oil business?

Q. General Boyle is the federal officer who had command of the department of Kentucky, was he not?

A. Yes, sir; I suppose so.

Q. Colonel Anderson told you he was going away in fifteen minutes; did he tell you whether he was going away on this petroleum business, or did he say what he was going away for?

A. He said he was going away.

Q. Did he say what he was going away for?

A. I have stated all the conversation.

Q. Was it not because his life was in danger that he was going away?

A. Yes, sir; he stated that.

Q. Do you know where Colonel Anderson did go when he left the city of Louisville?

A. No, sir; I do not.

Q. Do you not know that he was engaged with General Boyle and others in this petroleum business, from the time that you speak of until he was arrested?

- A. I was told that he was engaged in that business—Mr. Atcherson told me.
- Q. Did you see him between that time and his arrest?
- A. Not that I remember of.
- Q. Where was he arrested?
- A. I do not know.
- Q. Do you know that he was arrested in Louisville?
- A. No, sir; I do not.
- Q. Do you know that he was in Louisville, two weeks after his arrest, upon parole?
- A. No, sir; I was at Lexington on business for several weeks.
- Q. This alleged conversation, I understood you to say, took place on the 5th of October.
- A. I did not state the date exactly; I do not recollect the date.
- Q. What time was it, then?
- A. If I remember right, it was towards the latter part of October; I think I stated that at first.
- Q. Look at Colonel Anderson, and state whether he has not the identical coat on that he had on at that time?
- A. As I have already said, I think he had some overcoat on.
- Q. You are certain he had something to conceal his pistols?
- A. Yes, sir.
- Q. I understand you to say Mr. Ben. Redford was in the store when you met and when you went out?
- A. Yes, sir.
- Q. Did you have anything to say to Mr. Redford?
- A. Nothing more than when I called on him.
- Q. You conversed with him enough, so that his attention would be directed to you?
- A. I think he was busy, waiting on the customers.
- Q. What time of the day was this?
- A. If I recollect right, somewhere not far from noon; near noon.
- Q. Do you recollect any other person being present besides Mr. Redford?
- A. No, sir; I do not.
- Q. What business does Mr. Redford carry on?
- A. He is a bookseller.
- Q. Where did Colonel Anderson exhibit these pistols to you, in the store or in the street?
- A. I stated in the store.
- Q. Was Mr. Redford present?
- A. I do not remember whether he saw them or not.
- Q. For what purpose did he show you these pistols; did he state any reason why he exhibited them?
- A. No, sir; he did not state any particular purpose.
- Q. Did he throw back the garment he was wearing to show them to you?
- A. He buckled one around him while I was there.
- Q. Did he open his garments to show you these pistols?
- A. I do not know whether he opened his garments particularly, or not; he opened one of his garments and belted it around him.
- Q. Did he put one of them on when you were present?
- A. Yes, sir.
- Q. Was Mr. Redford present?
- A. Yes, sir.
- Q. Were you standing behind a screen, or behind anything, to keep you from view?
- A. No, sir; I was standing in the open store by the stove.
- Q. Where is the stove?

A. In the back part of the store.

Q. Where did he take those pistols from, when he buckled them around him?

A. If I remember right, I think he took it out of the valise; I think it was a valise.

Cross-examination by E. J. ASAY, Esq.:

Q. When did you enter the rebel service, and where?

Answer. The last time I enlisted, I was conscripted at Mobile; I had served out one year previous to that.

Q. Did you serve that out under an enlistment, or were you conscripted?

A. Under an enlistment at first.

Q. In whose command were you the first time, before you went to Mobile?

A. Under John Morgan's command.

Q. In whose command were you after that, when you were conscripted?

A. I had got my discharge from that command, and I was at Mobile, in the navy, under Admiral Buchanan.

Q. Had you any rank in the army?

A. I was a private.

Q. What business were you engaged in before you entered the ranks as a private?

A. I was a farmer near Lexington, Kentucky. Mr. Clay sent me word to come to his house at daylight; that Kentucky had been invaded. He sent round through the country to tell men to report at his house.

Q. Have you been examined by any one in reference to what you would swear to here? If so, by whom?

A. The only examination I have been under was at Louisville, Kentucky. I answered the questions that were asked me.

Q. Have you been examined with reference to what you would swear to here?

A. No, sir, not particularly.

Q. I did not ask particularly; I mean in general.

A. I do not understand that question.

Q. Have you been questioned by anybody as to what you would swear to to-day?

A. No, sir.

Q. Have you ever signed and sworn to any statement in writing in reference to what you would testify to here to-day?

A. I have never sworn to nor have I signed any paper.

Q. What business are you now engaged in?

A. I practice law.

Q. Does Jeffries practice as a physician?

A. I suppose he does; I do not know positively.

Q. Where does he live?

A. I think he said he lived in Missouri, when he was at home.

Q. When did you first communicate to any person what you have stated to-day?

A. In reference to the first part, I have stated that I had a conversation with Mr. Jeffries on the 10th of the present month.

Q. Was not the conversation with Anderson, that you have detailed, in October last?

A. I never talked with any one about the conversation with Anderson until the present time. I did not communicate that to Jeffries.

Q. What did you communicate to Jeffries?

A. I had a conversation with him in reference to Grenfel.

Q. Where was that?

A. I think it was in the Burnet House in this city; about the 10th of this month.

Q. Was that the first time you communicated with him in reference to this matter?

A. I have not communicated with him in reference to Mr. Anderson.

Question repeated.

A. It was about that time.

Q. How do you reconcile that with your statement in respect to your loyalty, and doing your duty? Why did you conceal it so long from the authorities?

A. I did not wish to get myself into the trouble of being bothered and annoyed, and I concluded I would have a conversation with Mr. Jeffries.

Q. Where did you first become acquainted with Mr. Jeffries?

A. I think I was first introduced to him at Louisville.

Q. Did he tell you what his character was?

A. He told me he was a doctor.

Q. Why did you select a doctor to make your communication to, some two months after the above occurred?

A. He was a friend of mine, and I thought I had a right to talk with him. I had the conversation with him to get his advice.

Q. How long have you been acquainted with him?

A. For several months; he roomed with me while I was at Louisville.

Q. In what month did he commence rooming with you?

A. It was before the conversation with Anderson. I think it must have been some time early in the fall when I first became acquainted with Jeffries.

Q. Did he tell you anything beyond that he was a doctor?

A. I think that was all.

Q. When did he first tell you that he was in government employ?

A. I do not remember his ever telling me that at all.

Q. When did you first learn that he was in government employ as a detective?

A. It was reported to me at Louisville. I heard it from this young man Redfern, I think, several months ago, but do not remember positively.

Q. In your examination in chief you said that you had told this matter to Mr. Jeffries; how do you explain the fact you now state, that you did not tell him anything about Anderson?

A. I still state that I do not remember saying anything about him. I did not know Anderson was here till I saw him.

Q. Did you not tell him from whom you got this statement about Grenfel?

A. I made this statement about Grenfel, but not about Anderson.

Q. Do you know that Grenfel resigned his rank in the army?

A. No, sir.

Q. What did you state to Jeffries?

A. That I had seen Grenfel in the southern army, on Morgan's Cynthiana raid, I think, in the summer of 1862; he was then Morgan's adjutant general. I also told him that I thought Grenfel was rather cruel in his manner towards the people. I saw him pull a knife out of his boot and cut a Union man.

Q. What else did you state to him?

A. I told him I did not think he was in our country for any good, nor did I think he was doing any good to the United States.

Q. Did you say anything else to him?

A. I told him that he was generally Morgan's adviser, and that he generally made the charges on towns in that trip, and that on one occasion, while on the road, and, I think, to Harrodsburg, he asked a man which way the federals went, and when he told him he did not know, he cut the man.

Q. What else did you tell him?

A. I told him also that when I was at Chattanooga, in Tennessee, in the

employ of the confederate government as a clerk in a pork-house, I was surprised one day by a gentleman who hit me on the shoulder. I looked round and saw a friend of mine between two guards; he seemed not to have on any clothes, and was all bloody. I asked him what was the matter, and he showed me a couple of wounds he had in his back; he was a loyal citizen; he went on back to the guard-house. I told him not to be uneasy; that I would get him out of that; and that night I succeeded in getting him out of the guard-house, and got him to Walden Ridge and hid him in a cave. He made his way to Altamonte and Decker Station; he got on the cars and went from there to Chattanooga and thence to Mobile. This young man said that Captain Shanks was getting up a company at Murfreesboro', and he was in the company, and that he had orders from General Buford to go out and press horses; that General Buford had ordered Shanks to press horses wherever he could get them, but not to be caught in doing it; and the young man stated that he was carrying out Captain Shanks's orders. He said they took the first horses they could find that suited them, and they took some of St. Leger Grenfel's horses. He said that Grenfel got some of the young men in the country, and captured the men that had been pressing horses, and that, after they were prisoners, he came up and fired several times at them. I understood the young man to say that Grenfel had killed a couple of the men, and he said that, after he was a prisoner, and walking along by the side of his horse, Grenfel pulled his knife out of his boot and cut him in the back, and that that night a man by the name of Preacher Hobson, who was travelling, stopped at the house where those prisoners were taken to, and dressed the wound of this young man; and this Preacher told me that he told Grenfel that if the young man had taken his horse, he, Grenfel, had stolen the young man's boots. That is the substance of what I said, so far as I can remember.

Q. Had Shanks had any quarrel with Grenfel?

A. I do not know.

Q. Is that all you stated to Jeffries?

A. It is all that I can remember.

Q. Have you stated anything about this matter that you testified to to-day to any other person?

A. I have made the same statement to General Willich.

Q. Have you made the same statement to any other persons?

A. Not that I remember now.

Q. Is that all you stated to General Willich?

A. That is the substance of it.

Q. If that is the substance of all you stated to General Willich or to Jeffries, and you made no statement to any other person, how was it that you only stated that much and no more?

A. I stated all I knew about the matter.

Q. Then you know nothing more than what you stated to Jeffries?

A. Nothing more than what I have already stated.

Q. Do you want the commission to understand that you never stated anything about Anderson to any person till you got here this morning?

A. I have made no statement in reference to Mr. Anderson to any one.

Q. Did you make any statement to any person in reference to Anderson before you came here this morning?

A. No, sir.

Q. Then the officers were enabled to put these questions without any knowledge that you knew anything about Anderson?

A. I suppose so.

Q. Where does General Strange now live?

A. I do not know.

Q. Where was he at the time you speak of?

A. In Louisville, Kentucky.

By T. M. KEY, esq.:

Q. Is there no circumstance by which you can fix the date of this alleged conversation with Anderson?

A. I do not know of any.

Q. What period of the month was it?

A. I think it was the latter part of October, 1864.

Q. Do you not remember being in company with your brother in front of the hotel, and asking him to take a drink?

A. No, sir.

By E. G. ASAY, esq.:

Q. What were the names of the four men that were brought in for pressing horses?

A. I do not remember their names. I only saw one of the men.

Q. Were you one of them?

A. No, sir.

Re-examination:

By the JUDGE ADVOCATE:

Q. You have been asked about what you detailed to Jeffries; was not the same taken down in writing?

A. Yes, sir; it was all.

Q. Look at that paper and state if that is not what was written from your statement at the time.

(A paper was then handed to the witness.)

A. Yes, sir; that is the paper and that is the date—the 9th of January.

Q. How did your statement come into the hands of the judge advocate of the department?

A. I do not know, sir.

Q. In whose office was that statement given?

A. In General Willich's headquarters.

(The counsel for the accused admit the genuineness of General Willich's signature to the order, but object to the document being read to the commission at this time.)

By the COURT:

Q. Which was worth the most, the horse or the pair of boots, at the time Grenfel stole those boots?

A. I expect the boots were worth more than the horse.

The commission then adjourned to meet on Monday, January 30, 1865, at 2 p. m.

COURT-ROOM, CINCINNATI, OHIO,

January 30, 1865—2 o'clock p. m.

The commission met pursuant to adjournment. All the members present; also the judge advocate, the assistant counsel, the accused and their counsel.

The proceedings were read and approved.

In consequence of the non-arrival of witnesses who were expected to be present, the commission adjourned to meet on Tuesday, January 31, at eleven o'clock a. m.

COURT-ROOM, CINCINNATI, OHIO,

January 31, 1865—11 o'clock a. m.

The commission met pursuant to adjournment. All the members present; also the judge advocate and assistant counsel, the accused and their counsel.

The proceedings were read and approved.

WILLIS BLEDSOE, a witness for the government, was then introduced, and being duly sworn by the judge advocate, testified as follows:

By the JUDGE ADVOCATE:

Q. State your name and place of residence.

A. Willis Bledsoe; my home is Jackson county, Missouri.

Q. State your profession.

A. I am a physician.

Q. State where, before the present trial, you ever saw one of the defendants.

A. I saw Marmaduke in Chicago; he is the only one I have seen that I know.

Q. When did you see him?

A. On the Sunday before the presidential election in 1864.

Q. Where did you see him in Chicago?

A. In the house of Dr. Edwards; it was about from three to five o'clock.

Q. What were you doing there?

A. We were in conversation with our friends, and dining.

Q. Did you dine at the house?

A. I did.

Q. Who was at the table?

A. Marmaduke, Dr. Edwards, Mrs. Edwards, and probably two other ladies.

Q. Look at Marmaduke, the accused, and see if you identify him as the person who was at dinner with you?

A. I do, sir.

Q. What reference, if any, was made as to Marmaduke's business there?

A. None, sir.

Q. Was Marmaduke there publicly or secretly?

A. He did not state positively that he was there publicly or secretly; he said he had been having chills, and had not been out since he was there.

Q. State, from the conversation you had with Marmaduke, whether he was there openly and publicly, or secretly and privately?

(Objected to by J. O. Broadhead, esq., because it was asking the witness for his opinion.)

The court was then cleared for deliberation. On being reopened, the judge advocate announced to the accused that the objection was sustained.)

Q. State whether, in the conversation between you and Marmaduke, anything was said as to how he was there, whether publicly and openly, or secretly and privately.

A. There was nothing directly said as to that.

Q. Was anything said indirectly, by him or by yourself?

A. I do not know that there was any conversation upon that point; I think there was not.

Q. What, if anything, was said by him about his going abroad?

A. I do not remember if anything was said or not. When I bid him good-bye at the door, he requested me to call next morning and see him.

Q. For what purpose were you to call?

A. I suppose to continue our conversation about our mutual friends.

Q. Who were those friends?

A. One of them was my stepfather.

Q. Were they loyal or disloyal?

A. One was a captain in the confederate army.

Q. What, if anything, was said by Marmaduke about his remaining in the house, or going out of the house?

A. I do not remember any conversation upon that point.

Q. Did you ask Marmaduke why, or how, he was there?

A. I did not, sir.

Q. When did you first find out that Marmaduke was there?

A. I think it was on the Friday before the Sunday on which we met.

Q. From whom did you find it out?

A. I do not remember the name of the young man; he was a clerk in a store there, in Mr. Partridge's store, in Chicago.

Q. Did any one else tell you that Marmaduke was there?

A. Yea, sir, Dr. Edwards.

Q. How did you learn that he was there—by his right name, or by some other?

A. I learned he was there by his right name, but he was going by an assumed name.

Q. Did you learn what that assumed name was?

A. I did, but I have forgotten it.

Q. In the conversation between you and Marmaduke, did he speak about going out into the streets?

A. He did not, I think.

Q. Did he indicate to you in his conversation that he was there secretly or openly?

A. I do not think Marmaduke did, himself.

Q. Did any one, in his hearing or presence?

A. If so, it was not done in a direct manner.

Q. Was it done in an indirect manner?

A. There was only one circumstance that transpired that might be said to introduce that matter; I remember one of the ladies relating a dream which she had in regard to Marmaduke and an officer coming to arrest him.

Q. You may relate the circumstance and the point that indicated he was there in an assumed character.

A. When Dr. Edwards and myself got to the house on Sunday most of the inmates were asleep; and when Marmaduke came down, after we had been talking a little while, Mrs. Edwards said she had been asleep, and had a strange dream that she had been aroused at night by a posse of men who were after Marmaduke, and that they chased him around, and in the excitement she awoke.

Q. Was this in the presence of Marmaduke?

A. Yes sir.

Q. Who were those persons she said came to arrest Marmaduke?

A. Armed men.

Q. Did Marmaduke make any remarks upon the occasion?

A. He might have made some playful remark, but I do not remember what it was.

Q. State whether or not Marmaduke said anything to you as to whether it would do for him to be seen abroad?

A. He said that he had not been abroad any, and the impression upon my mind was that he did not wish to be.

Q. State whether or not he said directly that it would not do for him to be seen abroad.

A. I do not know if he used those words exactly.

Q. State the words he used.

A. From the tenor of his conversation I was under the impression that he did not wish to be seen abroad.

Q. Did he use words, and give expression to declarations, that led you to understand that?

A. Most assuredly he did, or I should not receive the impression.

Q. From what he said to you, was he there privately and secretly, or openly and publicly ?

A. He did not wish to be seen abroad.

Q. Was there any other conversation between you and him at that time ?

A. Of course there was ; we had a conversation of two hours.

Q. Had the rest of the conversation anything to do with this matter ?

A. No, sir.

Q. Did you see Marmaduke after that ?

A. No, sir ; I left Chicago the next day, and early on that day I learned that he had been arrested.

Q. What time was the arrangement made for you to meet Marmaduke the next day ?

A. Ten o'clock.

Q. When Marmaduke made that arrangement, did he say what he wished to see you for ?

A. No, sir ; he made the arrangement as I was on the step at the door, and remarked that he had not said as much to me as he wished ; he said he would like to have further conversation, and that, if convenient, I was to call around at ten o'clock, and meet him at the same place.

Cross-examination by J. O. BROADHEAD :

Q. You know that Marmaduke had been away from Missouri for some time ?

A. Yes, sir ; I knew it from newspaper report. He told me he had been in Europe.

Q. Did he state how long he had been there ?

A. He did not.

Q. Did he say what part of Europe he had been in ?

A. If he did I have forgotten.

Q. Was the conversation about your being in Missouri ?

A. Yes, sir ; he had not been there for a long time, and I had.

Q. You say he had the chills ; how long did he say he had been afflicted with that disease ?

A. I do not remember.

Q. Did he say he was under the care of Dr. Edwards ?

A. Yes, sir.

Q. Did he say how long ?

A. If he did I have forgotten.

Q. What was the length of the conversation you had with him ?

A. About one hour.

Q. Did he say anything about the Chicago affair ?

A. No, sir.

Q. Were the relations previously existing between your friends and his, very intimate ?

A. Yes, sir.

Q. State whether the relations existing between you and Marmaduke were of such a nature that, had there been anything of the kind in contemplation, he would not have communicated it to you.

(Question objected to and withdrawn.)

ROBERT ALEXANDER, a witness for the government, was then introduced, and being duly sworn by the judge advocate, testified as follows :

By the JUDGE ADVOCATE :

Q. State your name and residence.

A. Robert Alexander ; I reside in Chicago.

Q. How long have resided there ?

A. About eleven years.

Q. What is your business ?

A. Abstracting and conveyancing with Chase Brothers, a firm of conveyancers.

Q. Are you a clerk in their employ ?

A. Yes, sir.

Q. State if you have held any office in the city or State.

A. I have been a detective, and have been in the police ; I have also been mayor's clerk, under Mr. Wentworth, and clerk for the city marshal when he was chief of detectives.

Q. Were you ever a detective in the employ of the government ?

A. I never have been.

Q. State where you first saw any of the accused now at the bar, and whom you have seen.

A. I have known Mr. Walsh a long time, to see him ; I have known Judge Morris some years ; I have known Mr. Semmes.

Q. State how recently you saw these men before their arrest, and where ?

A. The last time I saw Semmes, before his arrest, was in the court-house ; he was in the same business as I was. I think I saw Judge Morris in the street some time before his arrest.

Q. State to the court where and under what circumstances you saw him, about four week before his arrest.

A. I saw him in McCormick's building, Chicago, in the lodge of the Sons of Liberty.

Q. About when was that ?

A. About four weeks before the election.

Q. How many of that order were congregated there ?

A. I should think about twenty-five.

Q. Were you a member of that order ?

A. I was.

Q. Are you still a member of that organization ?

A. I neither resigned nor have I been expelled. I suppose I am a member of the organization, unless it has gone up.

Q. When was it that you saw him ?

A. About four weeks before the election.

Q. Who was the Grand Seigneur of the lodge that evening ?

A. As well as I can recollect it was Mr. Strawn or Mr. Wilkinson.

Q. Who is Wilkinson ?

A. He was one of the members of the Sons of Liberty.

Q. What was this lodge ?

A. It was a first degree council.

Q. Who were the highest officers in it at the time you mention ?

A. I think this Mr. Wilkinson was one and Strawn was another.

Q. What was done at the meeting on that evening ?

A. The object of the meeting was to hear a report as to the object of the society.

Q. Who was to make that report ?

A. Some person was to come and make it.

Q. Did any person make that report ?

A. Yes, sir ; it was made verbally.

Q. Who made it ?

A. It was made by Judge Morris.

Q. State to the court what he said on that occasion.

A. He said that as Lincoln had been overriding the Constitution, and the writ of habeas corpus was no longer tolerated, that the society was got together for the purpose of resisting any encroachments ; that its object was to get sufficient

force together to prevent any encroachments on the Constitution and writ of habeas corpus; that the Constitution must be preserved.

Q. What else did he say?

A. He said that we must stand together to resist any encroachments made by Lincoln on the Constitution or the writ of habeas corpus, and he said we had friends who would assist us when the time came to make a sufficient stand against it.

Q. Did he say who those friends were?

A. He said that they were friends near us, that were in an enclosure, and that as soon as the time came they would be on hand to assist us.

Q. What did he say they would do after this time came?

A. He said they would give the abolitionists hell under the shirt-tail.

Q. When was this to take place?

A. He did not say when it was to take place; he only said when the time came.

Q. What time was he speaking of?

A. I do not think he mentioned any time.

Q. What occurrences or events had he been speaking of?

A. He spoke about the election, and he said that in case Lincoln should be re-elected, we must make head against it.

Q. How?

A. By force.

Q. Was anything said by him on that occasion, and if so, what, about revolution or uprising in the north?

A. I do not know that he did.

Q. What did he say that indicated the time he referred to?

A. He was speaking about the re-election of Lincoln.

Q. Was the re-election of Lincoln the time he referred to for the uprising?

A. I suppose so.

Q. State whether the help that was to come from the men in an enclosure would be before or after they were released.

A. After.

Q. Who said so?

A. Judge Morris.

Q. Were any other speeches made on that occasion?

A. No, sir; that was the business of the night.

Q. By what action of the order had that report been made?

A. A committee had been appointed, in which a man called Morrison, myself, and another man named Rock, were to find out the objects of this society, and explain it to the meeting at this time.

Q. Who is Rock?

A. An attaché of the Times, I believe; I believe he is local editor.

Q. Were you all members of the order?

A. Yes, sir; and we were appointed a committee to find out the objects of the order.

Q. Had you not found out the objects of the order before?

A. There had been a great deal of disaffection expressed by the members of the order for not being allowed to know definitely for what purpose this thing was gotten up, and different times it had been spoken of; and this time was arranged purposely to find out what time this onslaught was to be made, and to see and find out definitely what was to be done there.

Q. By whom?

A. By the Sons of Liberty.

Q. What did you do in pursuance of that duty?

A. I saw Rock, and went to confer with him to find out what was to be done, so as to give a proper report, and I was laughed at for my pains; for I was not

let know what was to be done; I was not high enough up in the order to have the particulars intrusted to me.

Q. Who appointed you three members of committee?

A. The members of the organization.

Q. Was it at a meeting?

A. Yes, sir.

Q. Had Rock been apprised of his appointment?

A. I think he was present when we were all appointed.

Q. Who was it laughed at you for finding out the purposes of the organization?

A. Rock did, for one; he said there was no use in trying.

Q. Was he present when Judge Morris made his report?

A. I think he was.

Q. Who else was present?

A. Dr. T. Winslow Ayer was present; also Strawn, Morrison, Wilkinson; I think Doolittle, and a man called Vince; and I think Dr. Edwards was there, but am not sure.

Q. Did he belong to the organization?

A. He did.

Q. What was said, if anything, on that evening by Judge Morris about those men that were in the enclosure as to whether they were reliable or unreliable?

A. Yes, sir.

Q. What was it?

A. He said they were friends that we could depend upon.

Q. By the word "we" whom did he mean?

A. The order.

Q. How large was the organization in the city of Chicago?

A. About one thousand.

Q. How many did it number in the State?

A. About seventy-five thousand.

Q. Who was the grand commander in the State?

A. I did not learn at the time; I have heard that S. Corning Judd was.

Q. Did you ever, in connection with that order, see that address? (A printed paper was here handed to the witness.)

A. I did; I saw that before I was taken up for initiation.

Q. Who showed it to you?

A. Dr. Ayer.

Q. Who was he?

A. A member of the order.

Q. Did you see it afterwards?

A. No, sir.

Q. Did you ever see it in the hands of any of the members?

A. No, sir.

Q. Does that set forth the principles of the order as they were communicated to you?

A. They were the principles of the order as I understood them, and you had to subscribe them or you could not be initiated.

Q. State whether that was issued as an official publication of the order.

A. I do not know.

Q. Was it exhibited to you as an official publication of the order?

A. It was, sir, by one of the members of the organization.

Q. Where did you first take the oath?

A. In the ante-chamber to the lodge.

Q. Who administered it?

A. I believe it was Dr. Ayer.

Q. Was it administered again?

A. Yes, sir; inside we took a separate oath.

Q. Who administered that ?

A. I believe Wilkinson.

Q. Were the oaths administered verbally, or were they read from books ?

A. They were read from a book.

Q. Was anything said by Judge Morris as to what kind of an enclosure those friends were in ; and if so, what ?

A. I do not recollect if he particularized what the enclosure was.

Q. Did he describe or designate anything about it ?

A. I think he said " a little enclosure."

Q. When did he say these friends were to help you, before or after their release ?

A. After they were released.

Q. Did he say by whom they were to be released ?

(The judge advocate here proposed to offer in evidence a printed paper, entitled " American Association, Section North ; Occasional Address of the Supreme Cover."

Robert Hervey, esquire, on the part of the accused, B. S. Morris, objected to its introduction, as it had not been shown that it was a paper issued by any responsible authority in the order, and that it was not competent to introduce it as against his client, who may never have seen or heard of the existence of such a document.

T. M. Key, esquire, objected to its introduction on the part of the accused, Morris, Anderson, Semmes, and Daniel, there not being the slightest testimony before the commission connecting either of them with having seen or heard of such a document.

The judge advocate replied that it was immaterial whether the paper in question had ever come to the knowledge of Judge Morris, or any of the accused, or not. The question to be decided was, whether or not this secret organization of Sons of Liberty was concerned in the conspiracy to release rebel prisoners, and burn and sack the city of Chicago. Mr. Hull, one of the witnesses for the government, swore, when asked who was to take part in this plot, that the liberty party, or Sons of Liberty, were to do so, and that they were to be led by Grenfel ; and also that the accused, Colonel Anderson, was connected with it. A witness is now introduced, who states that the paper sought to be introduced contained the cardinal principles of the order, the witness being a member of that order.

The court was then cleared for deliberation. On being reopened, the judge advocate announced to the accused that the objection was overruled, and that the paper in question would be received in evidence.

The paper was then introduced in evidence, marked V, hereto attached and made part of this record.)

Q. State whether, in your subsequent connection with the order, you ascertained if this paper contained a correct statement of the principles of the order.

A. Yes, sir, it does.

Q. Did you say that Semmes was present at any of the meetings of the order ?

A. Yes, sir, he was ; he belonged to the organization.

Q. On what evening was he present ?

A. I cannot say, as I did not take note.

Q. Was he present on the evening when Judge Morris made that report, before referred to ?

A. I believe he was, but I am not certain.

Q. Were any of the defendants present on that evening ?

A. No, sir.

Q. Did you see any others of the accused present at any meetings of the organization ?

A. No, sir, never.

Q. Were you present when Doolittle made a speech ?

A. I was.

Q. How long before the election was that?

A. I guess about five or six weeks, and previous to that I met him at different times at the meetings. He spoke at them almost every night he was there.

Q. Were you or were you not present at a meeting when Mr. Doolittle made a statement in reference to Camp Douglas, and detailed anything about its shape and construction?

A. Yes, sir.

Q. State to the court what he said about that?

(Question objected to.)

Q. Was it at a regular meeting of the order that that statement was made?

A. Yes, sir; it was five or six weeks before the election.

Q. What did he say in reference to that matter?

(Question objected to by the accused on the ground that there had been nothing given to show that any of the defendants had been present, and heard anything that had been said by Mr. Doolittle, or that the society took any action upon what Mr. Doolittle said.)

The court was then cleared for deliberation, and on being reopened the judge advocate announced to the accused that the objection was overruled.)

A. He said that the camp was assailable on two sides; that there would be sufficient force, as there was merely an inch board to be taken down, and there would be a sufficient force on hand to assist the prisoners to escape, and arms sufficient for them all, and all our friends besides, as soon as they were released.

Q. Did he say on what sides of the camp?

A. I believe he did, but I do not recollect.

Q. Upon what subject was he talking at the time?

A. On the subject of making a raid and having the prisoners released in case of Lincoln's re-election.

Q. Whereabouts were they to procure their guns? Was there anything said about that? You said there were to be arms furnished?

A. Yes, sir.

Q. Where were they to come from?

A. He did not say where. He said they were on hand and in possession of the order.

Q. Were there to be arms enough to furnish all the prisoners and the friends, when the prisoners were released?

A. Yes, sir.

Q. Did he say what was to be done when the release had taken place?

A. He did.

Q. What was it?

A. He, Doolittle, said they would attend to the city first, and then these men would form the nucleus of an army to march down from the State and come on the other side of Grant.

Q. Who was to head this force?

A. He said we had a brigadier general in the city that would take charge, and others would be sent to assist them.

Q. Who did he say the brigadier general was?

A. Charlie Walsh.

Q. Of what was he brigadier general?

A. He was the brigadier general to take command of this home-made army when made up—prisoners and others.

Q. What did they call him?

A. I do not know; brigadier general was all the title I heard him called by. He did not say where he got his commission from.

Q. Was anything said about where the arms were located at Camp Douglas?

A. No, sir; that was carefully concealed.

Q. Nothing said as to where the cannon was, or the arsenal, or the soldiers who guarded the camp?

A. He gave an account of it, but I do not remember about it; my memory is not clear.

Q. Was anything said about the number of the force that guarded the camp?

A. Yes, sir; about six hundred.

Q. Did they not say how many it was expected would attack the camp?

A. They said a large number of friends would be here; the number I put down at about two thousand; that was, speaking in Chicago.

Q. Did he say where those friends were to come from?

A. Yes, sir; some from within and some from without Chicago. The different lodges were to furnish them.

Q. Did you learn whether there were any others than those who belonged to the Sons of Liberty who were to be concerned in this matter?

A. I do not know of any others except members of the order.

Cross-examination by Judge KEY:

Q. Did I understand you correctly as saying that you did not know whether Semmes was or was not present on the evening that you have spoken of?

A. Yes, sir. I do not know whether he was present or not.

Cross-examination by Judge WILSON:

Q. How long did you say you had lived in Chicago?

A. About eleven years.

Q. How much of that time were you a detective?

A. I suppose about a couple of years, judge.

Q. Not more than two?

A. No, sir, not more. While I was clerk for the chief of detectives, I did not do anything but receive an account from each man. When work came in I had to see that each had something to do.

Q. What work?

A. I mean any offences that came under the especial province of detectives.

Q. Have you ever been a witness in any court before?

A. Yes, sir; I have been a witness before in the recorder's court.

Q. About how many times do you think?

A. I think two, three, or four times.

Q. Do you mean to say, sir, that you have not been a witness more than two, three, or four times?

A. I do not believe I have been more than four or five times, (thereabouts,) before the recorder's court.

Q. Have you ever been a witness in any court?

A. I have.

Q. About how many times?

(Question objected by the judge advocate.)

The counsel for the accused said, that if it could be shown that this witness had been a witness in a vast number of cases, and also that he was embarrassed and excited in delivering his testimony on this occasion, that it would tend to affect his credibility.

The court was cleared for deliberation; on being reopened, the judge advocate announced to the accused that the objection was sustained.)

Q. At the time you have spoken of, when Mr. Doolittle made a speech, how many persons were present and heard it?

A. About twelve or fifteen, I guess.

Q. Where was it?

A. In the hall of the Sons of Liberty, in McCormick's building.

Q. Who were those twelve or fifteen persons.

A. There was a man by the name of Dooley, another by the name of Geary, Wilkinson, Strawn, Dr. J. Winslow Ayer, myself, and others.

Q. What others?

A. I do not remember; I did not keep any account of them.

Q. Can you remember any of the other persons?

A. There was a man there called Binz.

Q. Do you remember any others?

A. I do not think of any now. There were about twelve or fifteen, I think.

Q. Can you think of any prominent members who were there?

A. I could not tell whether there were any prominent citizens there or not. The prominent citizens were supposed to have taken the next higher degree in the order.

Q. Were there any prominent members of this institution at this meeting.

Witness: What do you mean by prominent, rich?

Counsel: I mean those who were the most prominent.

Witness: I want to know what you mean? Do you mean those belonging to the highest degree?

Counsel: I mean those who took an active part, and made speeches.

A. That was about the number, as near as I can remember.

Q. Can you remember upon recollection the balance?

A. No, I cannot, at present.

Q. Do you think, by taking time for reflection, you can tell?

A. I do not suppose I can correctly, because I kept no record of it.

Q. Do you not think you could remember any others?

A. Possibly I might; I do not know that I can.

Q. What was the date of that meeting, as near as you remember?

A. About six weeks, or so, before election.

Q. You say you have heard Mr. Doolittle speak at different times?

A. Yes, sir.

Q. How many different times did you ever hear Mr. Doolittle speak?

A. Three or four times.

Q. Before or after this meeting that you spoke of?

A. Before and after that meeting.

Q. How many times before?

A. Perhaps twice.

Q. How many times after?

A. I think that was the last time I heard him speak.

Q. Who was present at the first meeting?

A. I do not know.

Q. Can you tell anybody that was present, beside Mr. Doolittle and yourself?

A. I believe Mr. Wilkinson was present the first time; I saw Mr. Doolittle there, and I know Dr. Ayer was, for we went together.

Q. How many were there at that first meeting.

A. Somewhere about a dozen; from that to fifteen or twenty was about the average number that attended.

Q. Was that the number at the first meeting?

A. That was the average number that attended.

Q. Generally the same persons?

A. No, sir; sometimes one and sometimes another.

Q. How long was this first meeting that you speak of before the one you have testified to where the speech was delivered?

A. There was over a month's time between them.

Q. How long was it before the second meeting?

A. I cannot tell exactly.

Q. About how long?

A. It might be about a fortnight.

Q. Of the fifteen who were there, you cannot remember any but yourself, Dr. Ayer, and Wilkinson, at the first meeting?

A. I believe Strawn was there also.

Q. Anybody else?

A. I cannot say.

Q. Can you say whether there was anybody else there or not?

A. I know there were; I told you so, but I cannot give any of the names; I cannot think of them now.

Q. How many were there at the second meeting?

A. Somewhere about the same number; I have told you about a dozen.

Q. Who were they?

A. I do not know.

Q. Do you know any who were there, at the second meeting?

A. I know that Dr. Ayer was there at all events.

Q. Was he there all the time?

A. Every time I was there, he was there.

Q. Was there anybody else except Dr. Ayer and you at the second meeting?

A. There was.

Q. Who?

A. I cannot state but the names of those I have just now.

Q. Can you not state another name?

A. I could tell you three or four, but I do not know whether I would be correct or not.

Q. I want to know as near as you can remember?

A. I cannot be sure of who may have been there; there were others, but I cannot remember their names.

Q. Can you not be sure of another name?

A. No, sir.

Q. Have you no recollection of any other name?

A. I have a recollection of other persons being present, but I cannot recollect who they were.

Q. How come you to join this order?

A. At the request of Dr. Ayer.

Q. Who first spoke to you about becoming a member of this order?

A. Dr. Ayer did.

Q. It was at his request, was it?

A. At his particular request.

Q. Do you remember this oath, which the judge advocate read here, and whether it is the same one you took?

A. No, sir; the one I took was read out of a book—out of a little book.

Q. Was it the same kind of an oath?

A. Pretty much the same.

Q. Did you understand it when you took it?

A. I did.

Q. Perfectly?

A. Yes, sir.

Q. Did you understand, in taking it, you was swearing to be an enemy and traitor to your country?

A. I took it as it was.

Q. I ask you, if you understood, when you took it, that you were swearing to become an enemy and traitor to your country?

A. I took it, but not with that intention.

Q. Did you understand it to mean that?

A. I did.

Q. At the time you took it?

A. At the time I took it I understood it to be a treasonable oath.

Q. You took it with that understanding?

A. I took it, knowing what it was.

By the COURT:

Q. How many times were you ever before Judge Wilson as a witness?

A. I suppose four or five times as a detective, while he was running his court.

The commission then adjourned to meet Wednesday, February 1, 1865, at 11 o'clock, a. m.

COURT-ROOM, CINCINNATI, OHIO,

February 1, 1865—11 o'clock a. m.

The commission met pursuant to adjournment. All the members present; also the judge advocate and assistant counsel, the accused and their counsel. The proceedings were read and approved.

The cross-examination of Robert Alexander, a witness for the government, was then resumed as follows:

By Judge WILSON:

Q. I understood you to say, in answer to the judge advocate, that you never had been in the employ of the government as a detective; am I correct?

A. I did.

Q. State how long it is since you were in the detective business.

A. Either five or six years.

Q. Have you not been in that business since for individuals?

A. I have not been in the employ of any one as a detective since that time.

Q. Have you been in the detective business since that time?

A. Yes, I have.

Q. When?

A. About last August.

Q. Who got you to go into that business?

A. Dr. Ayer, to assist in a matter he had on hand.

Q. What matter was that?

A. He told me that he was aware of a conspiracy in progress to overthrow the government in the northwest.

Q. Was Dr. Ayer a government detective?

A. I understood he was not.

Q. Where did you say that the first effort was made to appoint a committee to find out what was going on?

A. Efforts were repeatedly made at different times, and complaints had been made in the lodge, that the objects of this organization could not be fully understood, and this committee that I spoke of was got up for the purpose of finding them out.

Q. Did you know when Dr. Ayer administered the oath that he was engaged in finding out the secrets of the organization?

A. I did.

Q. How long did you know Dr. Ayer before that?

A. Several months.

Q. Pretty intimately?

A. Yes, sir.

Q. How long has Dr. Ayer lived in Chicago?

A. About a year.

Q. Did you know him before that?

A. I did not.

Q. How long was this committee appointed before Judge Morris made a report ?

A. I think it was about a fortnight.

Q. Were all the members of the committee present at the time they were appointed ?

A. I rather think they were.

Q. What particular meeting was it at which the committee was appointed ?

A. A regular Thursday evening meeting.

Q. Was that the evening Mr. Doolittle made a speech that you testified to ?

A. No, sir. I think it was after that Doolittle made his speech.

Q. Was there any doubt at all among the members after Doolittle made his speech as to what the objects of the association were ?

A. Some of the members that were in doubt about it were not there, and they wanted it laid down definitely what the object of the association was.

Q. Were you also a member of the Loyal League ?

A. I was not.

Q. Do you remember whether, while you were a member of this association, you offered arms to anybody ?

A. I did, and gave them.

Q. Did you urge to such parties that it was dangerous for democrats to go without arms ?

A. I did not ; I gave a double-barrelled gun to Dr. Ayer, and advised him to keep it in his office.

Q. Did you give or offer arms to any other member of the association ?

A. I said I had arms that I could give, but would not do so.

Q. To whom did you say you could give arms ?

A. I said I had more arms than I required myself, and I would let some of the members have them, and I did so.

Q. Have you been able to think of any other persons who were present at the time Mr. Doolittle said that General Walsh was going to take command for some purpose ?

A. I have been thinking, and I remember that a Mr. Clark, from Indiana, came up on purpose to communicate some information relative to the arms that had been seized in Indiana, and he stated that forcible means would be resorted to to possess themselves of those arms.

Q. Do you remember any other persons besides Clark ?

A. There were a number of members belonging to the lodge whose names I did not know.

By ROBERT HERVEY, esq. :

Q. Who was the presiding officer of the meeting at which you speak of Judge Morris making this speech ?

A. I almost think it was Mr. Patten ; he was the Grand Seignior until Wilkinson was elected.

Q. Do you recollect who was the presiding officer on the evening referred to ?

A. I think it was Wilkinson.

Q. Who is he ?

A. He was a clerk for Mr. Hillsley ; he was a member of this order.

Q. Were the meetings of this order weekly meetings ?

A. They were, sir ; on Thursday evening.

Q. How many officers were there at these weekly meetings that took part in the deliberations ?

A. The Grand Seignior and Ancient Brother.

Q. Were there more than one other officer that took part in the deliberations, besides the presiding officer ?

A. There were obliged to be two, and sometimes—where there was a candidate for initiation—a third.

Q. What was the designation of these various officers ?

A. The Grand Seignior was the presiding officer, the Ancient Brother was next in rank.

Q. Did he occupy a chair ?

A. He did.

Q. Who was next in rank ?

A. I do not know, but he was only supposed to be there when the candidate was walked across the floor.

Q. Did this third officer occupy a chair when he was there ?

A. He did.

Q. You say when Judge Morris made this speech, Wilkinson was in the chair ?

A. Yes, sir, either he or Morrison ; I am not quite clear whether it was Patten, Morrison, or Wilkinson.

Q. Was Mr. Patten present at that meeting ?

A. I do not like to state either way. I do not remember that he was.

Q. Are you sure that Mr. Wilkinson was present ?

A. I believe he was.

Q. Are you sure that Mr. Morrison was present ?

A. Yes, sir.

Q. Was Mr. Obadiah Jackson present ?

A. No, sir.

Q. Was Strawn present ?

A. Yes, sir.

Q. Was he in any official capacity on that evening ?

A. I do not remember that he was in any official capacity on that evening. I think he was there only as a member.

Q. Do you recollect whether Strawn was present in any official capacity, or simply as a member, on the evening you say Judge Morris made this report ?

A. I am not certain.

Q. I think you said, in your examination in chief, that Strawn was one of the persons present on that evening ?

A. I believe he was present, but not as an officer.

Q. Had he the means of hearing what Judge Morris said ?

A. Yes, sir.

Q. How large a room was this meeting held in ?

A. If all were seated I suppose it would hold fifty or sixty.

Q. How many persons do you think were present on the evening when Judge Morris made his report ?

A. I suppose about a couple of dozen or thereabouts.

Q. Was that the average number in attendance ?

A. I think there were more that night than usual.

Q. How long before that was this committee appointed to ascertain the objects of the association ?

A. I think about a fortnight before.

Q. Were you present when this committee was appointed ?

A. I was.

Q. Was it appointed upon a motion of some member ?

A. Yes sir, one person moved that such a person should be appointed, another moved that another be appointed, and so on.

Q. Did you make a motion that any one should be appointed ?

A. I do not think I did.

Q. Who was it that named any of those three ?

A. Doctor Ayer moved that I should be put on.

Q. Do you recollect who moved that Mr. Rock be appointed ?

A. I do not.

Q. Who was the third member of the committee?

A. I think it was Mr. Morrison; but I do not remember who moved that he should be put on.

Q. Then all you recollect about the matter is that Doctor Ayer moved that you should be appointed on that committee, and that you were appointed, is it?

A. Yes, sir, that is all. I was appointed by a vote of the order.

Q. Who was presiding officer on that occasion?

A. I do not know; I took no notes of what was done.

Q. Was there any conference between you and Doctor Ayer as to your being nominated for that committee?

A. Yes, sir.

Q. Then his nominating you was in pursuance of an agreement between you and him, was it?

A. Yes, sir; it was.

Q. Do you know whether Obadiah Jackson or Mr. Strawn was present on that occasion?

A. Jackson was not; Strawn I think was, but am not positive.

Q. Was Mr. Patten or Mr. Morrison present?

A. I do not know that Mr. Patten was, but I believe that Mr. Morrison and Mr. Rock were.

Q. Can you give the names of the persons who were present on that evening when the committee was appointed?

A. Morrison, Rock, Doctor Ayer, and myself; I cannot recall the names of any others.

Q. How many persons in all were present?

A. There might have been about ten; it was a smaller meeting than usual; the average was about fifteen.

Q. You say, then, that you were put upon this committee to ascertain the objects of the organization by an arrangement between yourself and Doctor Ayer, do you.

A. We were also trying to find out where those arms were concealed, and the day of the uprising.

Q. To whom did you first speak on the subject of becoming a member of this association?

A. Dr. Ayer.

Q. How did this conversation come about?

A. It was in his office, in the McCormick building in Chicago.

Q. How long before the speech made by Doolittle, that you spoke of, did he first speak to you about becoming a member?

A. I guess it was over a month.

Q. Had you known him long before that?

A. I had known him some months before as a member of the masonic chapter.

Q. Had you ever any conversation with him on the subject of the Sons of Liberty, previous to the time he asked you to become a member?

A. No, sir; at first he inquired if I knew whether there was an organization of the knights in the city; I told him no, that I did not believe anything of the kind; I had seen in the Tribune something about it, but I supposed it to be an electioneering dodge; I had no idea they were so well posted as I afterwards found them to be.

Q. You doubted the existence of this organization, did you?

A. Yes, sir.

Q. And for the purpose of ascertaining whether there was such a thing or not, you consented to become a member of it?

A. No, sir; I told him I would have nothing to do with it; that I thought it was Pinkerton's business.

Q. Who is Pinkerton ?

A. I suppose he is a government detective.

Q. You supposed he was in the employ of the government ?

A. I did.

Q. On that occasion you did not consent to become a member ?

A. I told him I would not.

Q. How long after that was it when he approached you again on the subject ?

A. He went on to say that there was a very dangerous matter on hand, and that he wanted some one whom he could perfectly rely on, and who understood the detective business, to assist him to put this concern into the hands of the government.

Q. And then you were induced to come into it, were you not ?

A. I told him I would consider it ; I told him afterwards that I believed there was a commission out for me in the United States army. He said he thought it was my duty as an officer, which I suppose I was at the time, to assist him in suppressing anything of this kind, as far as I could.

Q. And then you were induced to go into it, were you not ?

A. I thought over it, and finally agreed to assist him as much as I could.

Q. And then you applied to Rock for information, did you not ?

A. No, sir ; not for information. I said I wanted to consult with him ; I wanted to get him talking to see if he knew more than I did. I wanted to see how we could get information.

Q. He told you that you could not get information, did he not ?

A. Yes, sir.

Q. He was one of the committee, was he not ?

A. Yes, sir.

Q. Did you ever make any personal application to Judge Morris, as one of the committee, to give information ?

A. I did not.

Q. Were you present, at any time, when any application was ever made by any member of that committee to Judge Morris ?

A. I was not.

Q. Then you do not know that Judge Morris was ever applied to by this committee, do you ?

A. Not to my knowledge.

Q. Was Judge Morris present at the meeting at which this committee was appointed ?

A. He was not.

Q. Did Judge Morris, to your knowledge, know anything about the appointment of such committee, as far as you know ?

A. Not to my knowledge.

Q. Up to the time Judge Morris made the speech you speak of, have you any knowledge of his having been aware of a committee having been appointed for the purpose of ascertaining the purposes of this society ?

A. Of my own knowledge I do not know.

Q. Was this a written speech that Judge Morris made ?

A. It was a speech ; it was not a written report.

Q. Was he called upon by the members to make a speech ?

A. No, sir ; it was stated that the judge would make an address.

Q. And he did make an address, did he not ?

A. Yes, sir.

Q. Did not the judge say that the government was infringing upon the constitutional rights of the State ?

A. Yes, sir.

Q. Did he say that the habeas corpus had been suspended ?

A. He did, sir.

Q. Did he say that citizens had been arbitrarily arrested ?

A. He did, sir.

Q. Did he say that in other ways the Constitution had been violated ?

A. Yes, sir.

Q. Now, sir, did the judge not state in that speech that the object of the association was to prevent, as far as possible, violations of the Constitution ?

A. Yes, sir ; he did.

Q. Was that what he said ?

A. Yes, sir.

Q. Now, sir, in that connection, do you not recollect that Judge Morris said that the association should be careful not to be guilty of the same thing, and that they should keep themselves within the Constitution and the laws ?

A. The judge stated, as I told you, that we must be all ready to stand together.

Q. Did the judge state, during the course of that address, which you say he made on that evening, that this organization should be cautious not themselves to do any illegal act, or to intrench upon the Constitution or the laws ?

A. He may have said so, but I do not recollect.

Q. Have you ever heard Judge Morris make any but that speech ?

A. No, sir.

Q. You are aware of the serious nature of the charge against these defendants, and that it becomes a highly important matter that the witness should recollect, if he can, all that took place. I will ask you if you do not recollect that on that one occasion when you heard Judge Morris make a speech to this organization, he did not in explicit terms advise them to be careful not to commit any breach of the laws, to be orderly, to keep within the Constitution and the laws, or words to that effect ?

A. He may have done so.

Q. How is your recollection ? Did he, to the best of your recollection, say that, or anything to that effect, on that occasion ?

A. No, sir ; I do not remember.

Q. Do you not remember that he said anything of that kind ?

A. He may have said so, but I do not recollect.

Q. Did he not advise the members of this organization, as an old man, and as a man supposed to be of standing and respectability, did he not advise them to abstain from any breach of the laws ?

A. I do not remember that he did.

Q. Do you not remember that he advised them to obey the laws and support the Constitution ?

A. He did say to support the Constitution.

Q. Do you recollect that he said anything to the effect that they should obey the laws ?

A. He told them that if there were any encroachments on the Constitution they must stand together to resist it.

Q. Did he not tell the members of the organization that they should not disobey the Constitution, and that they should support it ?

A. Yes, sir ; he did.

Q. Did he not caution them about being guilty of any illegal acts, anything that they could be arrested for ?

A. Yes, sir, perhaps he might have said that.

Q. You say that he spoke of some friends of theirs being in an enclosure, how did that come about ?

A. In his speech, while speaking of standing together, he said that we would have assistance when the time came.

Q. Was this a democratic organization ?

A. Yes, sir.

Q. Was it not stated at this meeting, and at other meetings at which you were present, that it was apprehended by the democratic party that the administration would not allow a fair election—that they would interfere by military force to prevent a fair election?

A. I have heard that stated.

Q. Was not what Judge Morris said about standing shoulder to shoulder connected with this idea, that force was to be used by the administration to control the election?

A. I do not believe it was.

Q. That Mr. Lincoln was to be elected by force, if necessary?

A. He said that if any further encroachments were made by Lincoln, we must be ready to resist them.

Q. Those further encroachments, did they not relate to encroachments at the coming presidential election?

A. I looked upon it to refer to the arrest of the parties connected with this order.

Q. I do not want your impressions of what was said. What was said, as near as you can recollect? Was one of those encroachments spoken of the possibility that the presidential election might be controlled by force?

A. I believe that he did say something of that kind.

Q. I suppose you do not pretend to give anything like all Judge Morris said?

A. No, sir.

Q. How long did Judge Morris speak?

A. Pretty near an hour, I should think.

Q. Do you recollect in what connection he spoke of these friends that you mention, whether it was not with relation to this apprehended outbreak at the polls if force was used?

A. My impression is it was with regard to what I have told you before.

Q. When Judge Morris stated what you have said about their having friends that would assist them in the event of any further encroachment, which you say you think now had reference to the presidential election, in what connection was Judge Morris speaking? Was he speaking of the apprehended use of force at the coming presidential election?

A. What he thought, I do not know; he said, when the time came, we would have friends who would stand by us.

Q. What time was he speaking about?

A. It was with reference to the elections.

Q. Did he also state that it was apprehended by the democratic party that force was to be used by the administration to control the elections?

A. I hardly think he did.

Q. Do you know whether that was the private opinion among democrats, that force might be used?

A. I have heard it said so among democrats for the purpose of getting up a feeling against Mr. Lincoln and the republican party.

Q. That they apprehended that force would be used, is that what they said?

A. That force *might* be used.

Q. Have you not seen on democratic banners, at elections, "a free election or a free fight?"

A. I have.

Q. Had that word "election" reference to the presidential election which was then coming on?

A. It had.

Q. Then you have heard that there was an apprehension, among democrats, that there would not be a fair election, have you not?

A. I have heard that stated among people.

Q. Do you recollect whether Judge Morris made any statement of that char-

acter at the meeting you have spoken of—whether he said anything about force being used ?

A. He may have said so ; he spoke for some time.

Q. Did not Judge Morris, in making his speech, refer to the States of Kentucky, Maryland, and Delaware, and the manner in which things were conducted in those States ?

A. He did.

Q. How the public sentiment was overawed by military force, did he speak of that ?

A. Yes, sir.

Q. Did he not state, in that connection, that if anything of that kind were attempted in Illinois, it would be the duty of the democratic party to resist ?

A. He did.

Cross-examination :

By Judge BARTLEY :

Q. How did you come into the Sons of Liberty ?

A. Through the doors.

Q. Did you profess to be in favor of the order ?

A. Yes, sir.

Q. Did you profess to be a democrat at that time ?

A. I did—no.

Q. How do you intend to be understood now that you have answered both ways ? Did you profess to be a democrat when you joined the order ?

A. I professed to subscribe.

Q. Did you profess to these men that you talked with that you were a democrat ?

A. I did.

Q. Did this order support the democratic ticket ?

A. Yes, sir.

Q. Was it not a political organization ?

A. No, sir, a treasonable organization.

Q. You call it a treasonable organization, was it not a political organization ? Did they not profess to have in view the exercise of an influence at the election ?

A. They did.

Q. Was it not a political organization then ?

A. They do not usually go armed to elections.

Q. Were these men armed ?

A. They were to be armed.

Q. Armed to go to the election ?

A. Yes, sir ; they were to be armed for the election, and also for the purpose of liberating the prisoners at the camp.

Q. Do you say that one of the objects of this political organization was to free the prisoners from the camp ?

A. It was made so.

Q. Do you testify that was one of the objects of this organization ?

A. I testify that the leaders seemed to have that in view, and hide it as much as possible from the members.

Q. I do not want your opinions, or anything about what seemed ; I want what was said and done.

A. The prisoners were to be armed, and there was to be an attack upon the camp to release them.

Q. Who said that ?

A. Different members in the order.

Q. Give their names.

A. Doolittle said it ; Wilkinson said it.

Q. Who is Doolittle ?

A. He is a lawyer in Chicago.

Q. Where is he now ?

A. In parts unknown.

Q. Do you say Mr. Doolittle was one of the leaders of that order ?

A. Yes, sir.

Q. Do you not know that he was a subject of ridicule constantly in the order, for his rash and foolish talk ?

A. No, sir ; I do not. Some of the members said he was quite too rash in what he said ; he spoke out too plainly.

Q. Do you not know, sir, that the members, generally, repudiated what Doolittle said, saying it was imprudent and wrong ?

A. They said it was imprudent.

Q. Did not the members of the order, generally, repudiate what Doolittle said ?

A. Some of them did ; some did not.

Q. Do you not know that Doolittle himself, by his foolish conversation, was the object of general ridicule in the order ?

A. As I have told you, some professed to steer by his compass, while others did not.

Q. Did I understand you to say this was a secret organization ?

A. Yes, sir.

Q. Did you come in through signs and pass-words ?

A. Yes, sir.

Q. You say you professed to be friendly to the order, and professed, at the time you joined, to be a democrat in your politics ?

A. Yes, sir.

Q. That was all false, was it not ?

A. Yes, sir.

Q. Did you take an interest in talking with its members, in trying to arrange the business of the order ?

A. Yes, sir.

Q. Was that done under a false pretence ?

A. It was ; it was to further the end we had in view, to find out where the arms were, and the day of the uprising.

Q. Did you find any arms ?

A. There were some found.

Q. You know the fact, do you not, that a conflict of arms was apprehended at the time of the presidential election ?

A. There was.

Q. You say this order of the Sons of Liberty was an armed organization, do you not ?

A. They were to be armed.

Q. Do you not know that the Loyal League was also an armed political organization ?

A. I have heard so.

Q. Did you ever belong to it ?

A. I did not.

Q. This conflict of arms, that was to take place at the time of the last presidential election, and the conflict of arms apprehended, was it between the persons that belonged to the Sons of Liberty and the persons who were armed on the other side ?

A. No.

Q. With whom was this apprehended conflict to arise, at the election ? Who was the armed force on the other side ? Was it the Loyal League, or what was the armed force that they expected to meet on the day of the presidential election ?

A. Soldiers, who would meet them at the camp.

Q. This conflict of arms, that you speak of, was not a conflict to arise at the presidential election; it was a conflict to arise at the time of freeing the prisoners from camp, was it?

A. Yes, sir; that was what I understood, to make an onslaught upon the camp, and then upon the city.

Q. Did you understand this from your associate detectives, or from what was said in the order?

A. From what was said in the order; I had no associate detectives.

Q. Can you name the men who said it?

A. Doolittle said so, Wilkinson said so, and Gill also.

Q. Where is Wilkinson?

A. In parts unknown, sir.

Q. Where is Gill?

A. Either here or in Chicago; I have heard lately he was in Cincinnati.

Q. Can you name any other man who belonged to that order, and has not gone to parts unknown, who said anything of that kind?

A. It seemed to be known to some of the members.

Q. What members? What was said; and who said it? Can you name anybody else who ever said such a thing?

A. I have heard it said.

Q. Can you name the person who said it?

A. I cannot.

Q. What have you heard said?

A. I have heard it said by him.

Q. By whom?

A. By this person. I cannot give you his name; Doolittle showed him up, and thought he was getting a little too far in speaking of matters to members of the lodge. (He was going on to state the time was coming when we would make it all right with these damned abolitionists.)

Q. Who said that?

A. This person; I do not know his name at present, nor did I then.

Q. Did any one make a public speech besides Doolittle, in the lodge, who spoke of freeing prisoners at the camp?

A. It was said openly in the lodge. I do not know that there was a regular set speech made.

Q. Can you name anybody that spoke publicly in the lodge besides Mr. Doolittle?

A. Yes, sir.

Q. Who?

A. Mr. Geary I have heard state that in the open lodge, and Wilkinson and others I have heard state it. I do not know the names of all the members of the lodge.

Q. Was there any resolution or action taken on that subject by the members of the lodge?

A. No, sir.

Q. Was there no resolution or action of the lodge taken on the subject of freeing the prisoners from the camp?

A. No, sir.

Q. Was there any preparation made in the order to your knowledge?

A. There was.

Q. What preparation?

A. It was stated that there was plenty of arms and ammunition with which to arm the members of the order and their friends.

Q. Who said that?

A. These men I have told you of.

Q. Who were they?

A. Charles Patten said that he had arms that he would give to those who were unarmed. Doolittle said that he had arms that he would give to those who could not buy, and would sell to those who could. Geary said that he would give them away.

Q. How long were you a member of this order?

A. From about the latter part of August to November.

Q. How many meetings did you attend in all?

A. I do not know.

Q. You say it was proposed to investigate the object by a committee to be appointed; who proposed it?

A. I cannot say who proposed it that night.

Q. Did any member oppose the appointment of that committee to investigate the object of the order?

A. No, sir.

By the COURT:

Q. What provision was made for any military rank or military officers in the Sons of Liberty?

A. There was no provision.

Q. Do you not know anything of brigadier generals or major generals?

A. There were none in this branch of the order.

Q. Were there any in the organization, to your knowledge?

A. I have heard there was, but do not know from my own knowledge.

Q. Have you heard it said from members?

A. Yes, sir.

Q. State what it was.

A. I have heard say that Mr. Walsh was brigadier general in Chicago, and was to take charge of the prisoners and others.

Q. Was there any higher military officer?

A. He was the highest.

Q. Were there any other brigadier generals?

A. No, sir; I did not see any.

Q. Who did you get this information from?

A. From members of the order. I have heard Strawn, Wilkinson, Doolittle, Geary, and Dooley; also Morrison; it was spoken of openly in the order; it was commonly known that Mr. Walsh was brigadier general.

Q. Was there any other brigadier general elected in the order?

A. No, sir.

CHRISTOPHER STRAWN, a witness for the government, was then introduced, and being duly sworn by the judge advocate, testified as follows:

By the JUDGE ADVOCATE:

Q. State your name and place of residence.

A. Christopher Strawn; Chicago Illinois.

Q. What is your profession?

A. I am an attorney.

Q. Did you ever belong to the organization known as the Sons of Liberty?

A. I did.

Q. State the last meeting you attended previous to the presidential election.

A. It was on the Thursday night of the 3d of November, 1864.

Q. Was either of the defendants present?

A. Mr. Walsh and Mr. Semmes were there.

Q. Is there more than one degree in the Sons of Liberty?

A. There are three degrees. I was in the first on the night I speak of; it is the lowest degree.

Q. State whether the degrees of this order are civil, or military, or both.

A. I presume the order was composed of two departments, military and civil.

Q. Was the degree in which you were military or civil?

A. I presume it was both; just as I chose myself. It was optional with a member.

Q. Were the second and third degrees military or civil?

A. I do not know.

Q. Were you in them?

A. No, sir.

Q. Was the initiation required for the third degree different from that of the degree you were in?

A. I understood there was some sort of initiatory process.

Q. Did your belonging to the first give you admission into the second and third without further initiation?

A. No, sir.

Q. From whom had you information respecting these degrees?

A. From members of the order.

Q. Was the matter discussed in the degree in which you were as to the nature of the other degrees?

A. Yes, sir, at times, but nothing with reference to what the grand council or other council did.

Q. What was the name of the other council?

A. There were the grand council and the supreme council.

Q. In the discussions which took place in the first degree, were the members enabled to judge whether the second and third degrees were civil or military in their nature?

A. They had no more reason to suppose that the second and third degrees of the order were military than they had for supposing that the degree in which they were already initiated was military.

Q. Did the first degree appoint military officers?

A. Yes, sir.

Q. Did the second and third degrees appoint officers?

A. I cannot say.

Q. What was the highest military officer appointed by the first degree?

A. Brigadier general.

Q. Who held the office of brigadier general in any of the degrees?

A. I held it at one time myself.

Q. State if any of the defendants at bar held that position?

A. Mr. Walsh did.

Q. Did any of the defendants ever make any speech in the order; if so, when?

A. Semmes made a few remarks; he said, substantially, that a crisis was approaching at which the order would show its vitality, if it had any; that is the substance of what he said, though I cannot recall the exact words he used.

Q. Was anything said indicating what crisis he referred to?

A. The approaching election.

Q. Was anything further said in express words as to what he meant by the vitality of the organization, if it had any?

A. I do not think there was.

Q. Who else was present at the meeting of which you have spoken?

A. Mr. Walsh was there, and made some remarks.

Q. What was the tenor of his remarks?

A. While Semmes was making his speech, some one suggested that there should be a special meeting before the election, and some discussion arose as to when it should be; it was finally decided that it should be at the club-room on the Sunday evening before the election.

Q. Why was it Walsh wanted a special meeting before the election?

A. He said he had some important proposition to lay before the organization prior to the election.

Q. What night was fixed?

A. Sunday night was fixed to meet at the Invincible Club rooms; which is a club at Chicago.

Q. Was there anything further done that night?

A. Only enrolling of members.

Q. What position did you occupy?

A. In the absence of Grand Seignior I officiated as such.

Q. Is that the highest office?

A. I presume it was.

Q. Did you attend the meeting on the Sunday evening?

A. No, sir; I did not.

Q. Was there a meeting on that evening?

A. I understood there was.

Q. What was the name of this society to which you belonged?

A. It had the local name of the Illini, which I am told is a word that means men, and is the word from which the name of the State is derived.

Q. Do you know anything further of the conduct of Semmes or Walsh, prior to the arrest?

A. I do not. They were arrested on the morning of the 7th of November.

Q. Were you in the streets of Chicago on the morning of the 7th?

A. Yes, sir.

Q. State whether you had any arms upon you on that day; if so, how you got them, or who gave them to you.

A. I got a revolver of Mr. Geary, who was a member of the order.

Q. State the circumstances of your getting those arms.

A. In the morning I went to the rooms of the Central Executive Democratic Committee, and I met a gentleman who asked me if I had any arms, and I told him I had not; and he suggested that I should have some. I said I had no objections to having a good revolver on the day of election. He then said he would go down with me to Geary's, and would get a revolver there. In a few minutes we were joined by a gentleman of the name of Winkleman. As we were going we met Geary on the sidewalk, and communicated to him the object of our visit. He said, "Come this way." We passed down Wells street to Munroe street, and, when about half way down an alley off that street, Geary discovered that there was some party pursuing him, and who was watching us very closely. I did not at first observe it; but Geary at once commenced talking very earnestly to Winkleman about the sale of his horse and wagon, which were in the barn, as the gentleman who was pursuing us stood by us. This talk about the sale, I believe, was a ruse. We went into the barn, and had the usual talk about the sale of the horse and wagon. When the person who had been watching us passed in another direction, we went back to the street whence we had come; then we returned to the barn and went inside, and when the door was closed Mr. Geary gave each of us a revolver, after which we returned to Geary's place.

Q. What is Geary's business?

A. I think he keeps a second-hand store.

Q. How far was this barn from his store?

A. About half a block.

Q. Was any payment made for the arms?

A. No, sir; nothing was said about pay, but something was said about returning them; he said that this was a revolver that he wanted to keep, or something of that kind, and he wanted to exchange it in the course of a few days.

Q. Did you ever have any other talk with persons who got pistols from Geary?

A. Yes, sir, several persons; among them Mr. Semmes. We were talking

about revolvers and about being armed, and Semmes said he had no revolver, and wanted one; and I told him he might get one of Geary. This was on the day prior to the election. Semmes did not get one at that time. I am not sure whether I went with Semmes to get a pistol or not; it was either with Semmes or Morrison I went. When I went on one occasion to Geary's for arms, he said he had none, but told me to notify Semmes, Morrison, and Tilley to be there to get arms. One night, the evening of the 7th, at eight o'clock, we went on the west side, which is part of Chicago; we went over in twos or threes to avoid attracting attention. When we got to the house where the arms were, Mr. Geary told one or both of his friends that were with him—Mr. Semmes being one of them—to go round in another direction to the north of the house, and he asked me to go with him to the house to get the arms. After we got into the house, a valise or satchel was taken from under the sofa, containing seven or eight revolvers. Geary took these and deposited them in his coat pocket.

Q. How were these revolvers distributed?

A. Mr. Geary said that they should have them if they would pass by him on the street, one by one, when he would give each a revolver. This was done to avoid attracting attention. This took place between nine and ten o'clock at night.

Q. Was the house to which you went lighted up?

A. There was a light inside.

Q. Who delivered you the valise, or satchel, containing the pistols?

A. A lady pointed it out, and Geary took it himself.

Q. In whose house was this?

A. I do not know.

Q. Did Semmes get one of these pistols that night?

A. Yes, sir; I think he did; he was one of the party.

Q. Was there any further talk about the purposes of the order, or any of its troubles?

A. I do not think there was much conversation in reference to what was to be done.

Q. Was there any conversation in which Semmes said anything about the intentions of the order?

A. We met accidentally in the afternoon at Mr. Colfield's office. Mr. Rogers, Parks, Morrison, Semmes, the accused, and a gentleman whose name I do not know, were there on the afternoon of the day of election.

Q. What was the subject of conversation in reference to the order?

A. It was in regard to the man who, it was alleged, had divulged the secrets and purposes of the order. Mr. Parks, who was somewhat intoxicated, said it was his opinion that a man by the name of Hull had divulged the secrets of the organization, and that he must die. As all were talking, I thought I would appeal to Mr. Rogers, he being the oldest man in the room, as to Hull's being made to die; and Mr. Rogers did not approve of the idea.

Q. Did Semmes approve or disapprove?

A. I do not know which; I do not think anybody dissented except Mr. Rogers.

Q. Was there any further conversation in respect to the order and its purposes, or with respect to arms?

A. Something was said about arms, and this stranger made the remark that Mr. Walsh's backyard was a mine.

Q. What gave rise to the conversation about Mr. Walsh's backyard?

A. We were discussing the matter of the arrest.

Q. Had Semmes been arrested at that time?

A. No, sir.

Q. What, if anything, do you know of Geary's raising money in the order, and for what purpose it was raised?

A. I recollect on one occasion Mr. Geary, some time during the summer or

spring, came to the hall one evening after the organization had adjourned, and said there were some escaped prisoners for whom he wished to raise money to aid in their escape, and the money was raised from the members of the order.

Q. Do you remember who was present on that occasion?

A. I remember Mr. Doolittle, who advanced most of the money, and the others who subscribed were to pay Doolittle afterwards; and Mr. William Hull was there.

Q. Is Mr. William Hull the same Mr. Hull that testified before this court?

A. No, sir; he is not.

Q. Was Doolittle a member of the order?

A. Yes, sir; he was. He spoke frequently before the order; he was always on hand for a speech.

Q. Did you hear any of those speeches?

A. Yes, sir, I did, but I do not think I have seen him in the order since August.

Q. Was Judge Morris present at the meeting when Doolittle spoke?

A. I think he must have been present at some meeting of the order when Doolittle spoke.

Q. Were you present when Doolittle spoke with reference to Camp Douglas?

A. I recollect a speech about something in reference to Camp Douglas; how matters were situated there, and how things pointed generally; what he meant I did not know. In that speech he described the different positions of Lee's, Grant's, and Rosecrans's armies in the field, and how those different armies could be made to co-operate with an uprising; and I think in the same speech it was that he said something in reference to Camp Douglas—as to how easy it could be taken.

Q. What was said in reference to Camp Douglas?

A. I do not think there was any discussion as to what force there was there. Doolittle advanced his own ideas.

Q. Did he say anything as to how the camp was situated and its relative position to the arsenal?

A. I remember that something was said about that, though I cannot give the words.

Q. Did Doolittle in that speech say anything about the force they had to rely upon, or the friends they might expect to help them?

A. That was included in the same speech; that those prisoners in Camp Douglas would be friends in the event of an uprising; that an opportunity would be given them to show their hands.

Q. And was it in that speech that he spoke of the army of Rosecrans? and did he say how they were to co-operate with an uprising?

A. Yes, sir; he gave his theory as to their co-operation.

Q. Who was the uprising to co-operate with?

A. I understood that the uprising was to co-operate with the rebels. I do not remember that anything positively was said about that, but it was revolution against the federal authorities.

Q. Was anything said as to the force they could rely upon outside the enclosure?

A. There were talks at different times as to how many there were in the organization in different States; sometimes it was said that there were 75,000, and sometimes 50,000.

Q. Did Doolittle say what force they had outside the camp that could be relied upon?

A. I do not remember that he did at that time.

Q. After the speech in which Doolittle set forth the situation of the camp, and how things pointed generally, was there any further discussion on the subject when he had taken his seat?

A. I do not think there was.

Q. At whose solicitation did you join the order ?

A. I joined in June or July, 1863, at the solicitation of Thomas Nelson.

Q. Did any of the defendants apply to you to join it ?

A. No, sir.

Q. Who was the supreme commander of the order in December, 1863 ?

A. I understood that P. C. Wright was.

(The paper put in evidence by the judge advocate yesterday was here handed to the witness.)

Q. State if that is an official document of the order of Sons of Liberty, and if you know who wrote it.

A. I do not know who wrote it, but it was circulated in the Temple by the Grand Seignior, Mr. Cassel ; it was circulated as being an address of the Supreme Commander.

Q. Who was the Grand Commander of the order in the State at that time ?

A. I believe S. Corning Judd.

Q. What other Grand Commanders were there ?

A. I do not know any others ; there was one to each State.

Q. Was there a person by the name Green, who was Grand Commander ?

A. Yes, sir ; Amos Green was Grand Commander either before or after Judd.

Q. Who preceded Judd ?

A. I think it was Green.

Q. Who wrote that paper ?

A. It was issued and circulated in the Temple as the address of the Supreme Commander, and as P. C. Wright was Supreme Commander, I presume it came from him.

Q. When you joined this order, did you do so in good faith, or for any ulterior purposes ?

A. I joined it in good faith.

Q. Were you acting in any way for the government, or carrying out any purposes of detection ?

A. No, sir ; I joined it as an organization consistent with my sentiments at the time.

Cross-examination by JUDGE KEY :

Q. How long have you known Mr. Semmes ?

A. I cannot say ; perhaps a year or less.

Q. When you moved to Chicago ?

A. I cannot say.

Q. What is his business ?

A. I understood he was clerking in the office of an abstract maker ; I understood he was an attorney.

Q. Have you met him frequently ?

A. Yes, sir.

Q. Did you know him familiarly ?

A. I was not very familiar with him, still I knew him quite well.

Q. On the occasion you speak of, when he made some remarks in this organization on the Thursday night, you say he spoke of the crisis, and that that crisis was simply the election ?

A. That is what I understood at the time.

Q. At that time, was it the opinion of many that there would be a collision out of any interference with the ballot at the election ?

A. Many people entertained that idea in reference to anything that the people might consider an encroachment on their rights.

Q. Do you know when Semmes was arrested ?

A. It was after the election ; he may have been arrested on the 16th.

Q. Did he remain, during that interval, in Chicago ?

A. I believe he did ; I saw him several times.

Q. As soon as the parties were arrested on the 7th, the idea of such plot became known to the community, did it not ?

A. Yes, sir.

Q. Until the statement appeared in the newspapers that a plot existed to release prisoners, and attack the city of Chicago, did you ever in public or in private, in any speech or in conversation, hear Semmes utter one word with reference to such a plot ?

A. I did not.

Q. When Doolittle made the speech of which you have spoken, was Semmes present ?

A. I do not know whether he was or not.

Q. Was it in August ?

A. The speech may have been in August, or it may have been earlier.

Q. Do you not remember that Semmes was absent from the city during August ?

A. I do not know.

Q. After this matter had been made known to the public, do you remember Mr. Semmes saying that it was ridiculous and the most absurd thing he had known of in his life ?

A. I heard most everybody say so, and I may have heard Semmes say so.

Q. What was the standing of Doolittle in the society, and what attention was paid to what he said ?

A. I never conversed particularly as to Doolittle's character, reputation, and standing.

Q. Was he not considered a very ridiculous person ?

A. I may have heard some person say something of that kind ; my own opinion was, that he was not the most reliable man in his political opinions that I ever come across.

Q. Were not his resolutions and propositions always voted down, when any vote was taken upon them ?

A. I think some of them were.

Q. Can you think of any one that he proposed being adopted ?

A. I cannot say that I have, but I do not recollect positively.

Q. You have spoken of a conversation in Colfield's office, in which Hull revealed the secrets of the society. Do you not remember that Semmes said, at that time, that Hull was not the man, and that he, Semmes, was opposed to all violence ?

A. I do not think I did.

Q. Are you certain that Semmes was in the office at the time this statement was made ?

A. I think it possible Semmes came in during the conversation ; he might have been there at first, but I am not positive. Semmes is not a man that talks very fast, or much at a time. I do not know that I can recollect a word he said at the time.

Cross-examination by ROBERT HERVEY, esq.:

Q. You have stated that you met Judge Morris in the meeting of the order of the Sons of Liberty.

A. Yes, sir.

Q. You say you think he has been present when Mr. Doolittle spoke ?

A. I think he must have been ; but I cannot state that he was present at the particular time that this speech was being made about Camp Douglass. I do not say that he was or was not.

Q. What is your recollection ?

A. I have no recollection whatever whether he was present or absent.

Q. Judge Morris is a pretty prominent citizen of Chicago, is he not?

A. Yes, sir, he is.

Q. He has a very good reputation in the community, has he not?

A. Yes, sir.

Q. You would not be likely to recollect if he was present on that occasion, would you?

A. No, sir, I don't think I should, for Judge Morris was frequently there.

Q. Was not Doolittle speaking there all the time?

A. He was always on hand for a speech when he was there.

Q. Did he not speak almost every evening when you were present?

A. I think he did.

Q. Was Judge Morris a regular attendant, or did he drop in occasionally?

A. Judge Morris did not attend so regularly as some of them.

Q. Can you say whether he was present when this particular speech was made about Camp Douglas?

A. No, sir; I have no recollection whatever on that point.

Q. Were you present at a meeting of this organization, at which Judge Morris made a speech?

A. I heard him make several speeches there.

Q. When did you last hear the judge address the Sons of Liberty?

A. I do not remember exactly when it was, but it was not a great while before election; it might have been some three or four weeks.

Q. Was the judge at any of the recent meetings of the order just before election?

A. I do not think he was.

Q. Did you ever hear Judge Morris make a speech in which he did not caution the members of the order to observe the constitution and obey the laws?

A. Judge Morris always went in for the enforcement of the laws, and if the abolitionists did not enforce them, we should take them and enforce them ourselves.

Q. Did not the judge caution your organization that you should keep within the law, no matter what other sides did?

A. I have heard him say that.

Q. Did he not say if the administration party permitted breaches of the Constitution, that your order should observe and stand by the Constitution of the United States?

A. He always made that kind of a speech, and found fault with the administration because they violated the laws, and encroached upon the rights of the people, saying that the day might come when it would be necessary for men to stand by one another and enforce the laws themselves; that is my doctrine, too.

Q. Did you ever hear Judge Morris make any speech before that organization in which any reference was made to the release of prisoners at Camp Douglas?

A. I do not think I did.

Q. If Judge Morris, a prominent citizen of Chicago, had talked about any such illegal combination as that, is it not likely you would recollect it?

A. I might, and I might not.

Q. Have you any recollection of Judge Morris making any such statement?

A. I have not.

Cross-examination by Judge WILSON:

Q. State whether, at or about the time of the arrest of Judge Morris, you were not arrested upon this same charge?

A. Yes, sir, on the 24th of November.

Q. How long were you kept under arrest?

A. About three weeks.

Q. Are you discharged now?

A. Yes, sir; I was discharged at the end of three weeks.

Q. Are you discharged now?

A. Yes, sir; I was discharged at the end of something less than three weeks.

Cross-examination by Judge BARTLEY:

Q. When you entered the organization did you take the usual obligation that was taken, or did you not?

A. Yes, sir.

Q. In doing that did you take upon yourself any obligation to violate the Constitution or laws of the country?

A. I did not so understand it at the time.

Q. Was the object of that order, that you joined, to violate the Constitution and laws of the country?

A. I do not know whether it was or not.

Q. In the speech that Mr. Doolittle made, was he expressing his individual opinions, or those of the order?

A. I do not know; he was a member of the grand council, and had attended a meeting recently.

Q. Were you a member of that council?

A. No, sir, I was not.

Q. You spoke of everybody disapproving of what Doolittle said?

A. No, sir; I said many people disapproved of what he said, but I did not say that anybody disapproved of what he said in the speech referred to; there was some discussion as to the proposition contained in that speech.

Q. You speak of these revolvers that were procured at different places day before the election?

A. They were procured in two places.

Q. Were they to be used on the day of the election?

A. They were to be used when the men who carried them thought they had occasion to use them.

Q. Were they to be used in self-defence?

A. Nothing was said as to where or how, or on what occasion they were to be used.

Q. What was the general understanding of the order, if there was any?

A. I do not think there was any discussion, or anything said by any person in the order, as to where the arms should be used or on what occasion. The only thing said or done, and the only idea we got, was something like this: that every man was to judge when his rights were encroached upon, and then he was to fight.

Q. Then these arms were for self-defence, were they?

A. That was my idea.

Q. Was violence apprehended at the time of the election?

A. Some did and some did not think so. I thought myself there might be some violence.

Q. Were these arms procured for self-defence in case of a conflict arising at the political contest?

A. They were to be used in the contest that was apprehended would arise at that time in consequence of the election, and for other things that might conspire at that time.

Q. Do you mean transpire?

A. Yes, sir; or conspire.

Q. What do you mean by "things would conspire?"

A. Things would occur in such a way as would produce some effect in the public mind, that would result in an uprising or revolution.

Q. It was apprehended that violence would occur in the political excitement of the election, was it?

A. Yes, sir, or afterwards ; different people had different ideas as to a revolution.

Q. Were they anticipating an insurrection ?

A. Yes, sir ; some persons did.

Q. Were these arms for that matter ?

A. Yes, sir.

Q. Did this anticipated event take place ?

A. I have not heard of it.

Q. The occasion for the use of these revolvers which were procured never occurred, did it ?

A. No, sir ; not that I know. They were to be used in case this insurrection should occur and self-defence become necessary. I am speaking of the views entertained by the order, and the same views may have been to some extent entertained by others.

Q. Then do I understand you to say that there was great contrariety of opinion among the members of the order ?

A. Yes, sir.

Q. Was this order a political organization ?

A. I presume it was both political and military, civil, and anything else that it was to be used for.

Q. Was it to be used for any purpose ?

A. As far as I saw, any person could get and pass any resolution they chose if they could get votes enough.

Q. Had it any definite object ?

A. Yes, sir ; it had just such objects as anybody might use it for, but it was, of course, a political organization, so far as to have a political effect.

Q. Do you know whether the object of this organization was to counteract the influence of a similar organization in another political party ?

A. It was so represented to me when I joined the organization.

Q. Was the Loyal League a military as well as a civil organization ?

A. It was so represented.

Q. When you joined this order, then, you understood that its object was to counteract the effect of a political organization in another party that was both military and political ?

A. Yes, sir.

Q. These organizations were intended to produce a political effect at the election, were they not ?

A. Yes, sir ; I presume they were intended to bring all the influence they could to bear upon the election.

Q. Do I understand you to say that the military part of this organization was to carry the election by force, or only to advocate the elective franchise ?

A. I never heard any one say the election was to be carried by force.

Q. It was not the object of the organization to carry the election by force, then, was it ?

A. Not that I ever heard. It was represented that we were to advocate our rights if we were attacked at the polls.

Re-examination by the JUDGE ADVOCATE :

Q. Was it understood that the arming of members with pistols and taking them to the polls was simply exerting a political influence ?

A. I should not think that the use of pistols would be considered as exerting a political influence.

Q. Did not such conduct indicate to you more than the use of political influence in an election ?

A. It indicates more to me now than it did then. I thought that the organi-

zation contemplated being ready to take part in the revolution in case it occurred. Whether the order was to produce the revolution I do not know.

Q. Did they expect a revolution to occur either by their own agency or by some other?

A. Yes, sir.

Q. When Judge Morris made those speeches in reference to the Constitution and the enforcement of the laws, did he not speak of the administration as a usurpation, and of the President as a usurper?

A. Yes, sir.

Q. Did he not speak of the necessity of resisting his usurpations by force?

A. I think in his speech he contemplated a resistance to encroachments, whatever they might be.

Q. Was there anything said in those speeches as to the possibility of a time arriving when the usurpations of that power would have to be removed by force?

A. I cannot recall his exact words; my idea at the time was, that the time might come when it would be necessary for the people to rise up en masse and put out the present incumbents of office by force.

Q. In such an event as that, did his remarks indicate that the Sons of Liberty would unite in the uprising?

A. I do not know that he said that.

Q. Who was to judge of that necessity?

A. I do not know, unless it was to be public opinion.

Q. Have you not already said that each member of the order entertained his own opinions, and was it not understood by the Sons of Liberty that they were to be their own judges as to when that contingency should arise?

A. The authorities of the order were to judge and determine that time.

Q. What do you mean by the authorities of the order?

A. The highest officers.

Q. By the rules governing the Sons of Liberty, if those highest officers were to command, would not the lower grades of members have to follow their orders implicitly?

A. I understood they would have to do so.

Re-cross-examination by Judge BARTLEY:

Q. You spoke of this paper having been sent down to your lodge by the supreme commander; did the lodge or order take any action approving of that communication?

A. I do not recollect any resolution or motion to that effect.

Q. Was there any act of the order approving, or expressing any opinion as to the sentiments expressed by the supreme commander?

A. No, sir; that paper was circulated in such a secret way, that it was not probable any action would be taken in reference to it.

Q. Was there anything in the regulations of the order authorizing the issue of a publication of this kind?

A. I do not know what the rules and regulations in the other degrees were; there was nothing authorizing it in the degree I took.

Q. Was this paper the individual act of Mr. Wright as the Supreme Commander, or was it the act of the order?

A. It depends upon the organization of the order.

Q. As far as you know of the organization did it authorize this to be done, or was it his own act?

A. So far as I know, I know nothing about it.

Q. So far as you know, was it anything more than the individual act of Mr. Wright?

A. I do not know.

Q. You know, do you not, that this was not the act of any part of the order to which you belonged ?

A. It was the act of that part, as much as any other part.

Q. Did the first degree authorize Wright to make any such publication ?

A. The degree had no right to authorize anybody ; the officers were the powers themselves.

Re-examination by the JUDGE ADVOCATE :

Q. If this was the act of Mr. Wright, was it in his individual capacity or in his capacity as Supreme Commander of the Sons of Liberty ?

A. From the appearance of the paper, I should say that it must be an official act.

Q. Have the subordinate grades of the order anything to do with approving or disapproving anything that the superiors do ?

A. No further than that any member of the order is at liberty to withdraw.

Q. Did any withdraw when this paper was circulated ?

A. I do not know of any withdrawing on account of it, though they might.

Q. Did Morris or Semmes withdraw after this paper was distributed ?

A. No, sir ; I do not think they did.

By the COURT :

Q. When you put those arms on was it your purpose to use them in joining that revolution ?

A. I had my own ideas upon the subject. If the revolution took a certain course, and was operated on by certain parties, I was to use them, or not, as I chose. I did not contemplate engaging in any revolution unless it was brought on by an act of the administration itself.

Q. Who are meant by "the Vandal minions, chartered by the despotism" to do bloody work ?

A. I should judge by the language that it meant Lincoln's soldiers, the Union army.

Q. Were not the Union soldiers usually called Lincoln hirelings ?

A. They were sometimes spoken of in that way.

Q. You stated, did you not, that you were a brigadier general, and also that Walsh, one of the accused, held the same position ? What was your command, and what was Mr. Walsh's ?

A. I had no command ; Mr. Walsh commanded the first congressional district of the State of Illinois, comprising the city of Chicago and the county of Cook.

Q. Were there any arms for the army this general commanded ?

A. Nothing more than seven or eight pistols I have spoken of, of my own knowledge ; I know nothing more about arms than that.

The commission then adjourned to meet on Thursday, February 2, 1865, at eleven o'clock a. m.

COURT-ROOM, CINCINNATI, OHIO,
February 2, 1865—11 o'clock a. m.

The commission met pursuant to adjournment.

All the members present ; also the judge advocate and the assistant counsel, the accused and their counsel.

The proceedings were read and approved.

LEWIS C. SKINNER, a witness for the government, was then introduced, and being duly sworn by the judge advocate, testified as follows :

By the JUDGE ADVOCATE :

Q. State your name and rank.

A. Lewis C. Skinner; lieutenant colonel of the eighth regiment Veteran Reserve Corps, stationed at Camp Douglas, Illinois.

Q. Were you in the same position in the early part of November, 1864 ?

A. Yes, sir, except that I held the position of commissary of prisoners.

Q. State whether you made the arrest of any of the parties at bar; and if so, whom ?

A. Yes, sir; I arrested Mr. Charles Walsh, and a gentleman who gave his name as Charles Travis, and another man by the name of Cantrill; also another who, I think, claimed to be Daniel, and who claimed to be a citizen of Chicago; also Mr. Walsh's son.

Q. Is the Charles Travis you speak of the same person who is at bar, called Charles Travis Daniel ?

A. Yes, sir.

Q. Did Cantrill belong to any army ?

A. I do not know.

Q. Do you know his first name ?

A. I think it is George.

Q. Have you seen him here since these trials commenced ?

A. Yes, sir; I saw him brought into the court here.

Q. Was he the defendant who was sick and for whom a severance was asked ?

A. Yes, sir.

Q. When were those arrests made ?

A. Between one and two o'clock on the morning of the 7th of November, 1864.

Q. State the circumstances attending those arrests.

A. Colonel Sweet was in command of the post, and went to the city and remained there during the 6th. As I was the senior officer in command of the camp, he gave me orders at different times about the movements of troops, and I think it was about eleven o'clock p. m. that I got a despatch from him to have fifty men, with one or two officers, to report to him for duty, not saying what the duty was, and that he would be there at twelve o'clock and give me my orders. He came about that time and asked if my troops were ready. I told him they were. He asked if I knew where a man by the name of Charles Walsh lived. I told him I did not. He then asked if any one in camp knew where he lived. I told him I did not know. He then introduced a man by the name of Langhorne; then called Johnson. Mr. Langhorne described to me as well as he could where Walsh lived; and, not being able to find any one who knew where he lived, I started off the troops ahead of me. The field officer of the day and myself started after them, and when we had overtaken the troops we found they had surrounded a house near where Mr. Walsh lived, and they told us where Walsh lived. We then surrounded his house. While I was seeing that the guard was stationed properly, Captain Philipateaus rapped on the door and demanded entrance. Some one came to the door; who it was I do not know. I was standing near the gate. The guard said he wanted to come in, and the person said he was not in a condition to admit him; he wanted to go back to dress or something of that kind. There was then a delay of ten minutes, and I told him I should be under the necessity of kicking down the door if he did not admit me. I told him he must admit me. He did not at first seem inclined to open the door, and I think I kicked the door, and as it was opened, he, Walsh senior, faced me; I then saw his son, and there were two or three ladies standing on the stairway. The son I saw standing back of Mr. Walsh. I told him I had an order from Colonel Sweet to take him to Camp

Douglas. Mr. Walsh then got his coat and hat, and I sent them under guard to Colonel Sweet. I told the ladies I was under the necessity of searching the house. Captain Philipateaus then commenced the search; his orders were not to injure any one, and not to disturb anything more than was necessary in making the search. In a few minutes I heard scrambling on the roof, and three men, Cantril, and Travis, were brought out on the sidewalk, and I think another, who gave his name as Daniel, was arrested.

Q. Is the man Travis present?

A. Yes, sir; it is the defendant Daniel. Soon after, Captain Philipateaus came out and requested me to go in. He took me to a bed-room, off the parlor; it was a double room, the bed-room joining. In there was a pile of revolvers. He then continued the search, and off from the dining-room, I think it was in the cupboard, he found a lot of bullet-moulds and percussion caps in a box. I was in the mean time watching the guard, and the captain again sent for me, and in the front bed-room, up stairs, he found a lot of double-barrelled shot-guns, and a large amount of cartridges, and two kegs that had powder in them, but they were not full.

Q. How many shot-guns were there?

A. There were between 140 and 150.

Q. Have you a specimen of those guns here?

A. I have.

(Specimens of double-barrelled guns were exhibited.)

Q. Look at the guns and see if they are the same of which you found 140 or 150.

A. The guns were not all alike. Those are samples. There were two smaller guns, one said to be owned by the son. There were between 140 and 150 shot-guns, and between 340 and 350 revolvers.

Q. How many cartridges did you get there?

A. There were between 13,000 and 15,000 rounds of pistol cartridges. This is a sample of the pistol found. (Sample of the revolvers was here exhibited in court.) And there were between 200 and 300 of these cartridges.

(Sample of buck-shot cartridges were exhibited.)

Q. Are they roughly made or finished cartridges?

A. They are very unskilfully made, though they would do for shot-guns.

Q. Are they the ordinary kind of cartridges made in the United States arsenals?

A. No, sir.

Q. Are they such as are sold in stores?

A. No, sir.

(Samples of bullet-moulds were here exhibited.)

Q. How many of these bullet-moulds were there?

A. Between 250 and 300.

(Specimens of caps in a tin box were then exhibited.)

Q. How many of those boxes of caps were there?

A. There were between 350 and 370 of those boxes; and there are 250 caps in each box. There are some other smaller boxes, of which I have no specimens. There were also between 250 and 270 extra cone-wrenches.

Q. Were the kegs full of powder?

A. One was, the other was not. There was some powder in a shot-bag, and powder was loose in the trunk in which the cartridges were. I suppose they had been using some from the bags.

Q. Did you afterwards see the powder that was in the kegs?

A. I did, sir.

Q. State to the court how the powder in those kegs compared with the powder in the cartridges.

A. It was apparently the same powder.

Q. Was there any buck-shot ?

A. Yes, sir; six or eight bags, besides what was made up into cartridges.

Q. Were the cartridges there made of buck-shot ?

A. Yes, sir; entirely.

Q. How did the buck-shot in the cartridges compare with those in the boxes ?

A. They were the same.

Q. Were the guns and pistols loaded or unloaded ?

A. All that I examined were loaded. There were perhaps a half dozen or so that were not together; these were not loaded. All the revolvers were loaded.

Q. Were they capped ?

A. I did not see any that were capped.

Q. What proportion did you examine ?

A. I might have examined two hundred.

Q. Did you find any exception to the rule of their being loaded ?

A. All the revolvers were loaded with the exception of the one claimed by the son. All the rest were loaded with perhaps the exception of one long gun. They were all double-barrelled.

Q. When you first went to the door, was the voice you heard male or female ?

A. I should judge it was a female. The captain asked for admittance, and I heard a voice, as I understood, ask for time to dress.

Q. Were you there when the door was first opened ?

A. Yes, sir.

Q. Did you see the first person who came to the door ?

A. Yes, sir.

Q. Who was that ?

A. Mr. Walsh, sr.

Q. What had he on ?

A. His stockings and shoes, and pants.

Q. Whereabouts was the son when he opened the door ?

A. When I first saw him the son was five or six feet behind him, and the ladies were on the stairway.

Q. Was there a light in the hall ?

A. I think not; but I think there was a light up stairs.

Q. Did you arrest all the parties together or in detail ?

A. First I arrested Walsh and his son, and sent them off; next Cantril and Travis, and this man Daniels, I think, but am not sure.

Q. Do you know what has become of that man Daniels ?

A. I think he is in Camp Douglas.

Q. Did you see any person upon the roof of the house ?

A. No, sir. I heard them on the roof.

Q. When Travis and Daniel were arrested, were they in full dress ?

A. No, sir; neither of them had boots. I know one had not his coat on, and neither had a hat on, and as far as I remember they asked for their hats, and one of the Misses Walsh gave me some clothing which she said belonged to those gentlemen. Whether it was for both I could not say.

Q. Did you find out by examining the beds whether those men had been sleeping in the house that night ?

A. I went in and said to the ladies, "There are two gentlemen who wish their clothing," and they went to the room in which the revolvers were, got the clothing and gave it to me. The bed had been used. I examined as to that.

Q. Could you say whether it had been occupied by one or two persons ?

A. I could not say as to that.

Q. Did you receive any information before you went, as to whether or not you would find those things there ?

A. Yes, sir. I received instructions from the colonel to make a careful search.

- Q. Were you informed in advance that any of these things were there?
 A. I was told I should find them, but was not told where.
 Q. Were you informed specifically in reference to the buckshot?
 A. I was, by Mr. Langhorne.
 Q. Did you find them there as he had told you?
 A. I found them in the house; for he said he knew they were there, and that I should find them by searching.
 Q. Was Mr. Langhorne known to Colonel Sweet as Johnson at that time?
 A. I think Colonel Sweet gave me the name of Johnson himself, and gave me to understand that that was not his correct name.
 Q. Did you make any further search of his premises?
 A. I did, sir. I searched his barns or stables in the city.
 Q. What did you find there?
 A. Two boxes of double-barrelled shot-guns and three boxes of carbines.
 Q. Were these boxes opened?
 A. No, sir, they were not.
 Q. Where were these barns?
 A. I think between Monroe and Adams, and Clark and State streets.
 Q. How do you know they were his stables?
 A. His son gave me that as the locality of his father's stables.
 Q. Did you make any further search?
 A. I did; but unsuccessfully.
 (A plat was here shown to the witness.)
 Q. Look at the plat now shown you, and state whether this is a correct representation of the locality in which Mr. Walsh lives, in relation to its position to the camp.
 A. Yes, sir, it is.
 Q. How far is Mr. Walsh's house from the camp?
 A. Near a quarter of a mile.
 Q. How many houses are there on the road between it and Camp Douglas?
 A. There is a college building and four or five dwelling-houses.
 Q. Who was the other officer besides Captain Philip Oteaux?
 A. Major Connel, and Lieutenant McDonough, and Captain Sponable.
 Q. What was the federal guard at Camp Douglas mustered for duty?
 A. About six hundred men; that is, including private soldiers and non-commissioned officers.
 Q. What was the number of prisoners confined at the camp at that time?
 A. Between eight and nine thousand.
 Q. Was there anything of an arsenal there?
 A. Yes, sir; a building in which we stored guns.
 Q. Were there guns in the arsenal?
 A. Yes, sir.
 Q. How many?
 A. There were a great many, but I do not know the number.
 Q. What is the nature of the enclosure of the camp?
 A. A fence of inch-boards thirteen feet high.
 Q. What is the distance between the posts?
 A. On one side eight feet; on three sides six feet, and two cross-scantlings. The boards are nailed on the inside. There is a parapet on which the sentinels walk.
 Q. How many sentinels are on duty at one time?
 A. There were thirty at that time.
 Q. What is the distance around the camp that these sentinels have to guard?
 A. It is about three-quarters of a mile.
 Q. What is the average length of each beat?

A. I think it was about 119.

Q. Did Daniel give you, at any time, any explanation why he gave you the name of Travis?

A. No, sir. One or two days after the arrest I was ordered to make a roll of the prisoners. I called before me all the prisoners that had been taken that day, and I asked Mr. Travis if that was all the name he had, and he made the remark, "If other persons changed their names there is no reason why I should not. My name is Charles Travis."

Q. What was the practice in the camp as to the prisoners being allowed to keep money?

A. The prisoners were not allowed to have any money in their possession unless they had it secretly.

Q. State whether or not they are searched when brought into camp?

A. Yes, sir, and all their money taken from them. When any money comes for them it is kept for them under the control of the commissary of the prison.

Q. When letters are received containing remittances, what is done with the letters and money?

A. The money is taken out by the letter examiners, (non-commissioned officers,) the letter is then sent, with a receipt for the money, to the person to whom it is addressed.

Q. Who was the prisoners accountant during the months of October and November?

A. A gentleman by the name of William Bushell.

Q. Who breaks the seals of the letters?

A. Unless they are directed to the care of some particular officer, they are broken open by the letter examiner.

Q. Do the rebel prisoners ever have an opportunity of opening these letters and taking out their contents?

A. No, sir, unless they do it clandestinely.

Question by the court. If letters containing a draft are sent to the prisoners what is done?

Answer. The draft is retained and placed to his credit.

Cross-examination by Judge KEY:

Q. Was Daniel recognized as a confederate prisoner when he was captured?

A. No, sir.

Q. Was he known to have been an escaped rebel prisoner?

A. Not to my knowledge.

Q. Did you not know the fact?

A. No, sir.

Q. At the time Daniel was arrested, I understood you to say that they had just arisen from bed; is that correct?

A. They were partially dressed.

Q. Was the room in which their clothes were a bed-room?

A. Yes, sir; that is where the young ladies got their clothes.

Q. This third person, who was there, was he arrested in the house?

A. No, sir.

Q. When you went to the house did you completely surround it?

A. Yes, sir.

Q. Could he have been in the house when you surrounded it?

A. I think not.

Q. How many, beside Walsh and his son, were arrested?

A. No one except Walsh and his son was in the house; two were on the sidewalk, Daniel and Cantrell.

Q. Was there any other person in the house when you surrounded it, that you discovered?

A. No, sir.

Q. This third person who was arrested, that you speak of, is he still confined in Camp Douglas?

A. I cannot tell you; I think he is.

Q. Were not Daniel and this man confined once in the same building?

A. They were confined in the same prison, but not in the same room.

Q. Was not the name this third person gave Daily instead of Daniel?

A. It may have been; I am not sure of the name; I rather think it was that name.

Cross-examination by Judge WILSON:

Q. At the time you went down to Mr. Walsh's house was there, or was there not, a person who went along, a member of the city police?

A. Yes, sir.

Q. Did he know the residence of Mr. Walsh?

A. He told me he did not know; he said he was well acquainted with Mr. Walsh, but did not know where he lived.

Q. There has been one gun presented here, a government piece; was that found at Mr. Walsh's?

A. That piece is an Enfield musket and was found in one of the boxes that were taken at the barn.

Q. You mentioned that you made other searches than those in the house and barn; where else did you search about Mr. Walsh's premises?

A. A few days afterward I searched in his garden, where it was reported arms were concealed.

Q. Did you make a thorough search in the garden and around the yard?

A. Yes, sir; what we considered sufficient.

Q. Did you find any arms?

A. No, sir.

Q. Who did you find the third man to be?

A. I can tell you what he told me; he told me he was a resident of the west side of Chicago.

Q. Did you find him a man in his right mind, or was he crazy?

A. I cannot say whether he was crazy or not; I know he was a man of not a great deal of brains.

Q. Was he not a noisy, drunken man?

A. No, sir; he was a very quiet man—very quiet indeed.

Q. What account did he give of himself?

A. I can tell you what he claimed; he claimed that he had been to a place near by, and that he was coming home intoxicated, and went to Mr. Walsh's out-house and fell asleep, and was caught there.

Q. Did you find any evidence that he was a man connected with any conspiracy?

A. No, sir; I did not.

Q. Do you know of any threats being made to any prisoner confined in Camp Douglas with reference to what would be done with them if they did not tell certain things?

A. No, sir; I know of no threat being made.

Q. Do you not know of any threats being made to any prisoner whatever?

A. No, sir.

Q. Do you know of threats being made to a man by the name of Cantrill?

A. No, sir.

Re-examination by the JUDGE ADVOCATE:

Q. Do you know of any threats or intimidation being made against any witness for the government in this case?

A. No, sir.

Q. Do you know, of your own knowledge, of any money being expended for the purpose of getting witnesses for the government out of the way?

A. Not of my own knowledge.

By the COURT:

Q. Did young Walsh tell you anything, after he was arrested, as to what his previous movements had been?

A. He did, sir.

Q. What did he say they were?

A. He told me he had been to Niagara Falls, attending a school there, which, I think, he called the Seminary of Angels; he told me, I think, that he returned either the Friday or Saturday before these arrests were made.

Q. You say the effective force that guarded the camp was six hundred; was there any force that could be brought to re-enforce this six hundred; and how long would it take to get them to camp?

A. I do not know of any force that could be brought to re-enforce them; I believe, however, that there was an artillery organization in the city, though I do not know that it was organized so as to be of any benefit; it has no commanding officer that I know of.

Q. Is it a government or civil organization?

A. A civil organization.

Q. Were Daniel and Cantrill on the roof of the house at the time you first surrounded it?

A. That I cannot answer definitely, because I did not see them on the roof of the house; I simply heard them.

Q. Did you find the cartridges in the house just as Mr. Langhorne represented them to be?

A. He said I would find buckshot cartridges, and I did.

Q. How many were there?

A. Between two and three hundred, I believe.

Q. Were those shot-guns ready for use—loaded and capped?

A. They were not capped; they were all loaded, so far as I know.

Q. Did you examine what they were loaded with?

A. Yes, sir; they were all loaded with cartridges.

Q. Was there a battery of artillery at the camp at that time?

A. Yes, sir; there was.

Q. Did you have men detailed to man this battery, or was it a regular battery?

A. No, sir; it was a regular battery, the twenty-fourth Ohio.

Q. Where was that battery stationed at that time?

A. It was located at that time in the centre of what we call Garrison square.

Q. Was there none of it outside?

A. There were two guns, I think, sent out each night, for two or three days, previous to this time.

Q. Did you hear the first answer that was made, when the call was made for admittance to Mr. Walsh's house?

A. I heard the voice, but I did not understand what it was that was said.

Q. Was it a male or female voice?

A. As I have said, it was a female voice.

Q. Did Mr. Langhorne say you would find buckshot cartridges and shot-guns?

A. He did not say what kind of guns; we spoke of cartridges and buckshot.

Q. Did he say in what part of the house you would find them?

A. No, sir; but he told me to be sure and search every place where they would be likely to be.

Q. Did he mention any room?

A. No, sir.

Q. Was this battery ready for active service?

A. Yes, sir; it was out there Saturday night.

Q. How far was it from the camp?

A. One gun was stationed each side of the north and south side of the prisoners' square, close to the fence, and supported by infantry

Q. Was it for the purpose of receiving an attack?

A. It was stationed so as to sweep the prisoners' square; it could be stationed either for defence or attack.

ALLISON D. MCGUIRE, a witness for the government, was then introduced, and, being duly sworn by the judge advocate, testified as follows:

By the JUDGE ADVOCATE:

Q. Please state your residence.

A. I live in Sullivan county, Indiana, twenty-five miles below Terre Haute, nine miles from the Illinois line.

Q. Please state your business in the year 1864.

A. I was keeping a public house at Sullivan.

Q. During the year 1864, did two persons, named Colonel Anderson and Castleman, stop at your house, or any parties passing under those names?

A. There were two men stopped there, one named Anderson; the other man he said was named Wilson; the other one did not state to me his name. They did not register their names, and were only there a short time. I did not learn the other man's name.

Q. Were they alone, or in company of other persons?

A. They were alone.

Q. State what took place when they came to your house.

A. They called for a room. I had no single room at the time, and I gave them a room that had three beds in it, and they went to it and laid down; after lying some time, one of them came down and called for a Bible. I gave him one, and he went up stairs; that was on Sunday, just after dinner.

Q. Did you find out afterwards who this man that represented himself as Wilson was?

A. I did not.

Q. Do you know Castleman?

A. I think I would know him if I saw him.

Q. Was he one of those who stopped there at that time?

A. I think I would know him if I saw him, sir.

Q. Have you since found out that Wilson was his true name?

A. I have since learned that his name was Castleman.

Q. When they took this Bible and went up stairs, were their rooms changed, or did they occupy the same one?

(Question objected to by Judge Key, until Castleman is identified as Wilson.

The court was then cleared for deliberation. On being reopened, the judge advocate announced to the accused that the objection was overruled.)

The witness continued: They remained in the same room until the time they left.

Q. How long did they remain in that house?

A. I think they went away the same afternoon; I do not remember exactly how long they were there.

Q. Did they go away voluntarily, or were they arrested?

A. They went away voluntarily.

Q. Did they ever come back again to your house?

A. The man who called himself Wilson afterwards came back.

Q. How long did he stay at the house?

A. He had not been there half an hour before he was arrested.

Q. Did he have the same room he had the first time?

A. He had a different room.

Q. How long was this after the first time he had been there?

A. I could not tell exactly ; perhaps ten days.

Q. Do I understand you to say that he was arrested about a half hour after he came back the second time?

A. Yes, sir.

Q. By whom was he arrested?

A. By the sheriff of our county.

Q. Was any search made of his person, and of the room he occupied. If so, was anything found?

A. Yes, sir, he was searched, but I was not present when the search was made; after these men left the house, I found some papers strewn on the floor—some were stuffed under the edge of the carpet—that were written in pencil. I also found a small blank memorandum book, and a small round bottle, like druggists have, containing something; I do not know what it was; it looked to me more like bones than anything else. I do not remember the number of sticks in that bottle; they were about the size of my little finger.

Q. What did you do with these pieces of paper?

A. I tied them up in a pocket-handkerchief.

Q. Did you or did you not gather up all the pieces that were on the carpet?

A. I think I did.

Q. What did you do with them after you had gathered them up and put them in your handkerchief?

A. I laid them away in my sideboard, and afterwards handed them to Dr. James R. Hinkle.

Q. Did you give him also the phial which you have spoken of?

A. Yes, sir.

(Memorandum book shown witness.)

Q. Look at the book now shown you, and say whether or not you identify it as the same memorandum book which you saw at that time.

A. Yes, sir; that is the book.

Q. Did you help to put the pieces of that letter together?

(Letter here shown witness.)

A. I did not.

Q. Whereabouts in the room was this memorandum book found?

A. Between the feather bed and the mattress.

Q. Was this book or these papers in the room before this Mr. Wilson or Mr. Castleman occupied it?

A. Not to my knowledge.

Q. State whether or not any one had been in the room before these men that day.

A. I think not, sir.

Q. How long before had any guests been in that room?

A. I think probably the night before.

Q. State whether or not the room was cleaned out, and the beds made up after that previous guest had left the room.

A. It was cleaned up on the morning of Mr. Wilson's coming.

Q. I will ask you to be a little particular; look at the book and see whether or not the entries that are now in the book were there when you found it, or whether any have been put in it, so far as you can say, since that time?

A. I recognize it as the same book by names which I saw in it at the time—men whom I knew.

Q. Were there any other letters or papers that were not torn up found in that room at the time that you know of?

A. I found none.

Cross-examination by Judge KEY :

Q. When was it that this man Wilson came to the house first ?

A. Some time in September, probably in the middle of the month; it was on Sunday. I could not tell the date.

Q. How long was it after he was arrested ?

A. I think about ten days.

Q. Have you ever seen the man since that time ?

A. I never have.

Q. How do you know his true name is Castleman ?

A. I do not know that his true name is Castleman. I have heard persons say since that time that his name is Castleman.

Q. The gentleman sitting beside me is Colonel Anderson ; did you ever see him before in your life ?

A. I cannot say I ever saw him.

Q. Was he one of those two that stopped at your house ?

A. I do not recognize him.

JAMES R. HINKLE, a witness, for the government was then introduced, and being duly sworn by the judge advocate, testified as follows :

By the JUDGE ADVOCATE:

Q. State your name, residence, and profession.

A. James R. Hinkle. I reside in Sullivan, Indiana, and practice medicine.

Q. State whether, during the month of September, 1864, you received any papers from Mr. McGuire, of Sullivan.

A. I did.

Q. In what shape or form were they ?

A. I received some papers that were torn all into bits, and also a small memorandum book and a bottle of material that I understood to be phosphorus.

Q. In what shape was it ?

A. In ordinary sticks ; they were in a bottle that formerly contained quinine.

Q. Did you assist in putting those pieces of paper together ?

A. I did.

(A letter was here shown to the witness, made up of a number of bits fastened together with small strips of paper.)

Q. Look at that letter and state whether or not that letter is made up of the pieces given you by Mr. McGuire ?

A. Those are the pieces.

Q. Who assisted you in putting them together ?

A. My brother and Mr. Samuel Reed, of our town.

(Another letter was here shown to the witness.)

Q. Look at the letter now shown you, and state if you have ever seen it before. If so, when and where ?

A. A man giving us his name as H. Clay Wilson, who was presumed to be connected with some robberies. He was turned over to Mr. Reed and myself for examination, and in the examination of his personal effects we found this letter in his pocket. I identify this letter as that which we took from H. Clay Wilson ; he told me that was his name.

Q. Have you since found out who he was, and whether that is his true name ?

A. I understand that is not his true name, but I do not know except from hearsay.

(A pocket memorandum book was here handed to the witness.)

Q. Do you identify this memorandum book as one you found on him at that time ?

[No answer given.]

Q. What became of this man after the sheriff examined him ?

A. Myself, my brother, and Mr. Reed, took charge of him, and he was turned over to the military authorities at Indianapolis.

Q. Do you know upon what charge he was arrested by the sheriff?

A. Upon suspicion that he was connected with some robberies.

Q. Do you know upon what charge he was turned over to the military authorities?

A. We presumed he might be a spy or connected with the confederate cause.

Q. Do you know of any facts that led to that suspicion?

A. Yes, sir; the papers that we found on him.

Q. What other papers did you find on him?

A. Besides the scraps of a torn letter, there was a plan of the camp, and from its appearance we took it to be the federal prison in Chicago.

Q. Were there more papers besides this patched letter?

A. Yes, sir; there were a great many. We tried to put them together, but could not all; we made the pieces constituting the letter fit, and also the plan of the camp.

Q. And did you put the other pieces together?

A. We did.

Q. State if those other pieces made up another paper of any kind.

A. Yes, sir, they did; a sheet of ordinary note paper.

Q. What was the character of that other paper?

(Question objected to. The court was then cleared for deliberation. On being re-opened, the judge advocate announced to the accused that the objection was sustained.)

Q. What became of that paper made up of the pieces?

A. My brother took charge of it and started to take it to Indianapolis to the authorities in charge of the prisoner.

Q. Is your brother here?

A. Yes, sir; he is in the city.

Q. Did you see any arms that were taken from H. Clay Wilson?

A. I did; a pair of revolvers.

(A Walsh revolver was here handed to the witness.)

Q. Did you examine what kind of a revolver it was?

A. There was a pair of this character of revolver, and a pair smaller. The revolvers were not all taken from Wilson.

Q. From which one of the three was the revolver like this taken?

A. I do not know.

Q. Did you make an examination of that substance in the vial?

A. I did not; it had the appearance of phosphorus.

Q. How was it put up?

A. It was closed with an ordinary cork.

Cross-examination by T. M. KEY, esq.:

Q. Did you ever see Colonel Anderson, the accused, before?

A. I think this is the man Wilson, but he is somewhat changed in appearance.

(The accused, B. M. Anderson, was here requested by his counsel to stand up in court.)

The witness continued: The beard of this gentleman is very different from what Wilson's was.

(The judge advocate here admitted that the accused, B. M. Anderson, is not the same as H. Clay Wilson referred to by the witness.)

One of the Walsh pistols was here handed to the witness.)

Q. Are you sure that the pistols taken from H. Clay Wilson were precisely the same pattern as this one before you?

A. I think it was a pair the same as this.

Q. State if they were of the precise pattern as this.

A. I think so.

Q. Are you sure ?

A. As far as I can remember it is the same pattern ; it had the same form of breech, and the calibre of the pistol was the same, but I cannot speak positively of a matter about which I have nothing to compare.

Judge Bartley said : Upon the part of Anderson, we admit this letter, dated Marshall, September 2, 1864, to be his handwriting, and the letter dated Chicago, August 30, 1864, (which are attached,) is subscribed by his signature in his handwriting. This admission we make with this request, that these letters be not published in the newspapers until the explanatory testimony of Mr. Anderson, which is to accompany them, be produced.

The judge advocate then offered in evidence a letter dated Chicago, August 30, 1864, signed Ben. M. Anderson ; also, a letter dated Marshall, September 2, 1864, signed "Anderson." Also, a memorandum-book. Also, a plat of the neighborhood of Walsh's house, near Camp Douglas. Said exhibits, marked Ex. Letter August 30, "W;" Ex. Letter September 2, "X;" Ex. Memorandum Book, "V;" Ex. Plat, "Z," hereto attached and made part of this record.

LOUIS A. PHILLIPATEAUX, a witness for the government, was then introduced. and being duly sworn by the judge advocate, testified as follows :

By the JUDGE ADVOCATE :

Q. State your name, official position, and where located at present.

A. Louis A. Phillipateaux ; captain in the eighth regiment Veteran Reserve Corps ; stationed at Camp Douglas.

Q. Were you one of the party that arrested Messrs. Walsh, Cantrill. and Daniel, in November, 1864 ?

A. Yes, sir.

Q. Did you assist in searching the house on that occasion ?

A. I conducted the search.

Q. State whether or not any arms were concealed there.

A. Yes, sir.

Q. Did any one count the arms taken from there ? If so, who ?

A. I counted them, and Captain Spondell kept tally.

Q. How many of each kind of arms did you get there ?

A. I did not keep any memorandum, but I can state within a small figure. There were about 340 pistols, about 130 or 140 shot-guns ; also, seven or eight sacks of buckshot, two kegs of powder, one of them full, I believe, the other partly full. Of cartridges there were seven boxes, I suppose containing between 10,000 and 15,000. We also found in the cupboard down stairs one box full of bullet-moulds and gun-wrenches. The box was eighteen inches long and a foot high, and a kind of soap box, containing I do not know how many gun-wrenches. I did not count them.

Q. Were you with the party that first sought to gain admission to the house ?

A. I was. I first demanded admittance, and, after waiting a length of time, I heard what I took to be a lady's voice ; she requested me to wait till she called her father.

Q. How long did you wait before the door was opened ?

A. I think we staid there fifteen minutes before the door was opened.

Q. Under what circumstances was the door opened ?

A. A man came down and demanded what authority we had. I told him to open the door and I would tell him. He then asked permission to go up stairs and put on his clothes. I told him to do so, and be lively about it. He came down again after awhile, and asked by what authority we wanted the door opened. The door was not opened during this conversation. I then took the butt of a musket from a soldier, and told him if the door was not opened I would burst

it down. I think Walsh senior opened the door, because he was the first I saw when we got in.

Q. Did you see Walsh's son when you opened the door?

A. Yes, sir; he was five or six steps behind his father and towards the rear of the house. Walsh senior was close up to the door.

Q. Did you see the ladies of the house?

A. Yes, sir; there were several on the stairs leading to the bedroom.

Q. Was there any light in the hall?

A. There was a light in the lower hall; also, a light up stairs.

Q. Had your party any light?

A. Yes, sir.

Q. Did you see any person that night upon the roof of the house?

A. I did not, but one of my guards told me there was.

Q. Did you hear any person on the roof?

A. I did not.

Cross-examination by Judge WILSON:

Q. Are you certain there was a light in the hall?

A. Yes, sir; when we went in.

Q. Was it stationary, or not?

A. I am not sure; I am under the impression that it was. The ladies on the stairs had a light in their hands.

The commission adjourned to meet Friday, February 3, 1865, at 11 o'clock a. m.

COURT-ROOM, CINCINNATI, OHIO,

February 3, 1865—11 o'clock a. m.

The commission met pursuant to adjournment. All the members present; also the judge advocate, the assistant counsel, the accused and their counsel.

The proceedings were read and approved.

CHRISTOPHER C. STRAWN, a witness for the government, was then recalled, and testified as follows:

Cross-examination by Judge BARTLEY:

Q. I think you testified that you were a member of the society of the "Illini?"

A. Yes, sir.

(The ritual of the order of the "Illini" was here handed the witness.)

Q. State if that is the constitution and by-laws of that order.

A. The Temple at Chicago had the local name of "Illini," and they adopted this document and its by-laws, though the Temple never worked by that document, nor was the society governed by it.

Q. Did the society ever repeal it?

A. No, sir.

Q. Did they not conform to it?

A. No, sir.

Q. In what respect?

A. We did not in any respect, though it may have been brought up two or three times. It may have been cited as authority for some parliamentary proceeding, but it was not mentioned or brought up at all.

Re-examination by the JUDGE ADVOCATE:

Q. Did you proceed in your lodge according to the original ritual of the Sons of Liberty, or American Knights, or were you governed by the ritual of the Illini?

A. The lodge usually conducted its proceedings according to acknowledged

parliamentary rules. The ritual of the Sons of Liberty comprises the initiatory process usually used, and also, on peculiar occasions, the constitution and by-laws of the Knights, but this was seldom or never used to conduct the business of the organization.

(A pamphlet entitled "Constitution and By-laws of the Society of the Illini of Chicago" was here introduced in evidence by the counsel for the accused, marked Defendant's Exhibit No. 1, hereto attached and made part of this record.)

JOHN MAUGHAN, a witness for the government, was then introduced, and being duly sworn by the judge advocate, testified as follows :

By the JUDGE ADVOCATE :

Q. State your name and residence.

A. John Maughan ; I have resided for the past two years at Windsor, Canada West.

Q. Where was your home previous to that ?

A. Toronto ; my birthplace was in the county of York, England.

Q. What was your business while you were in Windsor ?

A. I was teller and clerk of the Bank of Upper Canada.

Q. When did you first go into the employ of that bank, and when did you leave it ?

A. I went into the employ of the bank on the 11th of August, 1862, and I left on the 16th of August, 1864.

Q. During your employment in the bank did you make the acquaintance of any refugees of the southern confederacy, or men who had been in the rebel army ?

A. Yes, quite a great number of them.

Q. Is Windsor a place to which a large number of these rebels resort ?

A. Yes, sir.

Q. Are they with or without employment ?

A. As a general thing without employment.

Q. Do they congregate much together ; are they clannish in their habits ?

A. They are.

Q. With what prominent men connected with the rebel army did you become acquainted during the time you were in Windsor ?

A. I am not aware that I became acquainted with any one except Jacob Thompson, under the name of Colonel Carson.

Q. Was that the *alias* by which he was known in Canada ?

A. In Toronto I think he went by his own name, but in Windsor he went by the name of Carson.

Q. Whom else did you meet connected with the southern confederacy ?

A. Colonel Anderson, the accused, and Bell, who is now in McLean barracks ; he had been in the rebel army.

Q. Do you know if he had been a prisoner in the federal lines ?

A. I do not.

Q. Whom else did you meet there ?

A. Mr. Langhorne, who was passing under the name of Hunt ; Drake, Hibler, Leslie, (that is, Captain Thompson,) Captain Scott, Osborne, Dr. Smith, Bledsoe Steele.

Q. Who were these persons you have named ?

A. I think all of them had been connected with the southern army.

Q. Where is Bledsoe Steele ?

A. In McLean barracks also.

Q. When did you become acquainted with these persons ?

A. I first met them in June ; I knew them all between 1862 and 1864 ; I first became acquainted with Anderson in May or June, 1864.

Q. With whom was he associated at that time ?

A. He was in the house with Mrs. Salmoine, with Bell, Smith, Langhorne, and some others, whose names I forget.

Q. Was this boarding-house a place where southern men boarded?

A. There were southern men there, and also Canadian agents; Anderson associated both with the Canadian people and with the southern refugees.

Q. Were these Canadian people in sympathy with them?

A. As far as I know almost all the Canadian people sympathized with them.

Q. When did you leave the bank?

A. On the 15th of August.

Q. Why did you leave?

A. It was my intention at that time to go to Mexico with Colonel Anderson; we did not go, however, because we had not money enough, and the idea was entirely abandoned.

Q. Why did you leave the bank finally?

A. I left the bank with the idea of running the blockade and joining the southern army.

Q. Where did you first go after leaving the bank?

A. In the first place to Kentucky, on some private business of my own. I staid there about ten days, and then returned to Windsor on the 24th of August, 1864; there I met Anderson, Bell, Langhorne, Hillsborough, Smith, and Hibbler. I staid at Windsor till the next day, the 25th, when I left for Toronto, with the intention of helping an expedition that I understood was about starting south from the federal States.

Q. From whom did you learn of it?

A. From several men, among them Bell, Leslie, Wasson, Smith, Drake, Hunt, Young, Langhorne, and possibly Colonel Anderson.

Q. Why do you say probably?

A. I understood he was working with that party.

Q. Had you any conversation with Anderson in reference to this expedition?

A. I cannot say that I had.

Q. Was the object of this expedition made known?

A. I understood it was to go to the southern States through the federal States.

Q. Why did you go to Toronto?

A. Because I was directed to go there by Bell, whom I saw at the boarding-house on the 25th of August. I was to go to Jacob Thompson to receive instructions. I saw Thompson on the morning of Friday, the 26th of August, at the Queen's Hotel, Toronto; I was presented to him, but I do not remember by whom.

Q. How did you make yourself known there?

A. I went down with a party of young men, Hibbler, Drake, Swager, a young man by the name of Hansboro, and another whose name I forget. I also met Castleman.

Q. Where did you meet these persons?

A. I had known them in Windsor quite a length of time, and I went down with them to see Thompson. I found Castleman at the Queen's Hotel; I think he was passing under the name of Wilson. I know he afterwards passed under the name of Clay Wilson.

Q. How did you become acquainted with Thompson?

A. I was presented to him by some one of the party. Mr. Thompson informed me he wished me to wait a few days, and when he procured the money, I was to bring it to Chicago.

Q. Who presented you to Castleman?

A. I do not know; I only saw him that morning.

Q. What is Castleman, and who is he?

A. He is captain or major in the second Kentucky cavalry, confederate army.

Q. Did you know how or why he was in Canada?

A. I do not ; I only met him there.

Q. Was he with the other parties in Toronto?

A. Yes, sir ; but I saw him only on the morning of the 26th.

Q. Where did he go from there?

A. I do not know, but I saw him a few days after at Chicago.

Q. Did you learn where he was going from there?

A. I do not know.

Q. How long did you remain in Toronto?

A. Until Tuesday morning, the 30th of August. I remained there at the request of Mr. Thompson, and on Tuesday morning he gave me \$10,000 and a letter, and requested me to start for Chicago at once and deliver them to Captain Castleman, at the Richmond House. I then went to Chicago, and reached there on Wednesday, the 31st of August ; I went alone.

Q. Whom did you see at the Richmond House when you arrived?

A. Captain Castleman and Dr. Hunter, who is Captain Hines, of the confederate army.

Q. What did he belong to?

A. He had belonged to Morgan's command.

Q. Do you know whether he was captured with Morgan and escaped afterwards?

A. Yes, sir, he escaped from Columbus.

Q. Did you meet any one else at the Richmond House?

A. I met Bell, Hunt, Dr. Smith, Hillsborough, Hibbler, Hibbsley, Wasson, and others. Anderson, I met opposite the Richmond House. This was on the morning of the 31st of August.

Q. Were these the same persons that you met in Canada?

A. I met nearly all of them there, and understood nearly all had been connected with the confederate army.

Q. Did you know any exceptions?

A. I did not.

Q. What number do you think you met in Chicago of those you formerly met in Canada, and that were in the rebel army?

A. Probably fifteen or twenty that I had known in Canada; not more than twenty. I think that is about the number of persons that I saw that had been connected with the rebel army, and had gone there from Canada.

Q. What occurred on the 31st?

A. I saw Captains Castleman and Hines, and delivered to Captain Castleman the money and the letter that I received from Thompson.

Q. What occurred after that?

A. After that Castleman and all the southern boys I knew left Chicago, while I remained there. Part of them went to Canada, the balance, I presume, went to southern Illinois—though I am not certain of that. They left on Wednesday, the 31st of August.

Q. Did you learn why they started?

A. Some of them became afraid, and part of them returned to Canada. I understood they were afraid of being captured.

Q. Did any of them return to Kentucky?

A. I am not aware of it.

Q. Where had you last seen Anderson?

A. In Canada, on the day of my arrival in Toronto, on the 26th of August.

Q. Was he with some of the other parties named?

A. Some of them.

Q. Did Anderson leave Toronto for Chicago before you?

A. I found him in Chicago when I got there, but I do not know where he was from the 26th to the 31st of August.

Q. Did you see him in Chicago with the other parties?

A. I saw him with Bell, but I think not with others. I had an interview with him at his room opposite the Richmond House, and I had quite a long conversation with him on the wharf immediately below there; this was on the 31st of August. I saw Bell in his room with Anderson alone.

Q. State what this conversation with Anderson was.

A. Part of the conversation was in regard to general matters, and the other part referred to what was going on there. Anderson told me that those men had again suspected him of being a federal detective—I mean the southern soldiers—and Colonel Anderson said that in consequence of this suspicion it was his intention to withdraw entirely and go home. The conversation was principally about that subject.

Q. Did he say anything as to the object of the expedition, and whether it had succeeded or failed?

A. No, sir.

Q. Did any one else inform you?

A. It was my understanding that the greater part had become afraid, and were intending to return to Canada.

Q. What do you mean by becoming afraid?

A. They had become afraid they would be arrested, and probably captured. I understood several of them had been recognized in Chicago.

Q. Did you learn at that time, or before going there, what the special object of that particular congregation at Chicago was for?

A. I understood the intention was to proceed south.

Q. From whom did you understand that?

A. From all the parties I saw.

Q. Where did you understand that?

A. In Canada; in Chicago I understood they were intending to proceed south as soon as possible.

Q. Do you know why they came to Chicago, if their intention was to proceed south?

A. I do not.

Q. Did any one tell you why the members came together at Chicago?

A. With the intention of proceeding south. I understood they were to proceed south in force.

Q. Did they inform you they had promise of assistance in making their way south?

A. I do not know that they had any.

Q. Do you know if their number was to be increased from any source?

A. Nothing was said to me about it, and I did not learn anything respecting it.

Q. Where did you go to then?

A. I remained in Chicago until the evening of Sunday, the 4th of September. I stopped at the Richmond House during my stay.

Q. Did any of these parties remain during that length of time?

A. No, sir; they had all gone before I left.

Q. During that time, had you any protection papers? If so, what were they?

A. I had British papers with me?

Q. Have you those papers now?

A. They were taken from me. They stated that I was a British subject, and gave my name, age, and appearance, &c. Those papers were given me by Alexander Bartlett, at Toronto. I procured those papers for fear I should be arrested going south.

Q. Where did you go next?

A. On the evening of the 4th of September I started for Marshall, county seat of Clark county.

Q. Were you at any other house during your stay at Chicago?

A. I may have been at other houses, but with no special object.

Q. Did you visit any house in Chicago?

A. I think not.

Q. Were you at Judge Morris's house during that time?

A. I do not think I was during that time.

Q. Before going to Marshall, had you been at Judge Morris's house?

A. No, sir.

Q. What did you do at Marshall?

A. I arrived there on the morning of Tuesday, the 6th of September, 1864, and on my arrival I saw Captain Castleman, Sampson, Lowery, and Ignatio, who passed under the assumed name of Joseph.

Q. Did you meet any others there?

A. I think not. I went there with the instructions I received from Castleman, that I was to meet him, as soon as convenient, in south Illinois; no time was designated.

Q. Did you learn what Castleman was doing in south Illinois?

A. I did not. I saw Castleman at Marshall; he was then passing under the name of Wilson. I delivered to him some books I purchased for him in Chicago, a copy of Casey's Infantry Tactics, Casey's Cavalry Tactics, pocket dictionary, and I think a pocket map of Kentucky.

Q. Had you met Cantrill or Daniel previous to that?

A. I first met Cantrill in Canada.

Q. Did you see him in Chicago?

A. I did not.

Q. Did you meet Grenfel?

A. Yes, sir; in Toronto while I was staying there; that was between the 26th and 30th of August. I never saw him again until my imprisonment.

Q. What did you do at Marshall?

A. I did nothing but walk around town and amuse myself as well as I could. I staid there until the evening of Wednesday, September 7, when I left there in a buggy for Paris, Illinois, and, in consequence of a rain storm, I was detained until the morning of the 8th of September, when I took the cars for Chicago.

Q. Do you not remember meeting him in Chicago at the Richmond House?

A. Yes, sir; he was there.

Q. Who was Ignatio?

A. He was a Spaniard whom I understood had been in the confederate army; that is all I know of him.

Q. Under whose instructions did you go from Marshall to Paris after having delivered these things to Castleman?

A. I returned to Chicago at my own request. I did not wish to stay in such a small place as Marshall, Illinois, and requested Captain Castleman to allow me to go to Chicago until he required me. He permitted me to do so.

Q. Did you receive any instructions from Castleman? What was the arrangement?

A. I had made no arrangements with him whatever?

Q. Were you under his directions?

A. I placed myself under his directions?

Q. Were the others under his directions?

A. Yes, sir; they were under his directions. They had belonged, I understood, to his command in the southern army.

Q. Did all of them belong to his command in the southern army?

A. Not all; there was one Lowery, whom I spoke of before, who had belonged, I believe, to some other branch of the southern army.

Q. Had Hines and he been in the same regiment?

A. I cannot answer.

Q. Was Hunter in any way under his control?

A. Not that I know of.

Q. Was Colonel Grenfel under his command?

A. Not to my knowledge?

Q. Were the parties in Chicago under his command?

A. No, sir.

Q. What did you do after going to Paris?

A. I took the train for Chicago.

Q. Did you see any other of the parties at Paris?

A. No, sir. At Chicago I stopped at the Richmond House; I think I arrived there on the morning of the 9th of September, 1864.

Q. Did you carry any letters or messages to any person in Chicago?

A. I carried one letter from Captain Castleman to Mrs. Morris. I delivered it on the morning of my arrival in Chicago.

Q. Was that the first time you had ever seen Mrs. Morris?

A. Yes, sir.

Q. Did you have any conversation at that time?

A. Yes, sir; I was there, I think, about an hour.

Q. Did she, at that time, inquire about Castleman?

A. No, sir.

Q. Did you see Judge Morris at that time?

A. No, sir.

Q. Was the letter directed in Castleman's handwriting to Mrs. Morris?

A. Yes, sir.

Q. How long did you remain in Chicago?

A. Until Monday morning, the 12th of September.

Q. Where did you stay from the 9th to the 12th September?

A. At the Richmond House.

Q. Did you visit any private houses at that time?

A. Not at that time.

Q. Did you see any of the rest of these men from Canada at that time?

A. I saw none of them.

Q. Did you call on Mrs. Morris again?

A. Yes, sir; I did. I do not remember how often till the time I left. I then went to St. Louis, under Captain Castleman's instructions, where I met Captain Castleman, Ignatio, and Thomas.

Q. Who is Thomas?

A. He is a young man who had been in the southern army. To my knowledge he had two *aliases*, Snyder and Alexander. He has gone south.

Q. How long did you remain in St. Louis?

A. Two days. I saw Castleman every day.

Q. Do you know what he was doing there?

A. No, sir.

Q. Did he give you any instructions in reference to the future while you were there?

A. Yes, sir; he instructed me to go to Louisville and stay there until I received a letter for or from him. I think he gave me those instructions on Wednesday, the 14th of September.

Q. When you left there, did you take any letters to any person?

A. No, sir.

Q. What date were you in St. Louis?

A. From Monday, the 12th, to Wednesday, the 14th, of September. Castleman was there at the same time.

(A letter was here handed to the witness.)

Q. Whose handwriting is that?

A. Captain Castleman's.

(The attention of the witness was called to a piece of paper attached to the letter.)

Q. Whose handwriting is that?

A. That appears to be the same writing.

(A memorandum-book was here handed the witness.)

Q. Whose memorandum-book is that?

A. This appears to be Captain Castleman's writing.

Q. Were you familiar with his writing?

A. Yes; I saw it very often.

Q. When did you leave St. Louis?

A. On the evening of Wednesday, the 14th of September.

Q. Did you go direct from there to Louisville?

A. I did not; I went by way of Chicago, arriving there on the morning of the 15th of September; I staid there several days, having an attack of typhoid fever.

Q. Did you have any letters and messages?

A. No, sir. I think I remained there until the 19th of September; from there I went to Louisville.

Q. While you were at Chicago, at whose house did you stop?

A. At the Richmond House.

Q. What did you do at Louisville?

A. Nothing whatever. I remained there until the 19th of September. This was in obedience to instructions received from Castleman. Those instructions, as I said, were, that I should remain there until I received letters for or from him. I received a letter from him on Sunday or Monday, I forget which date, asking me to return to him as soon as possible at Marshall. I returned by way of Chicago. On my arrival in Chicago I saw Thomas, the same man I mentioned as having seen at St. Louis, who was then passing under the name of Snyder. He informed me that Castleman was to be in Sullivan county, Indiana, and I proceeded there with him.

Q. While you were in Chicago did any person call upon you?

A. Yes, sir; a person by the name of Wilkinson. He lives in Chicago. I think I had seen him at Mrs. Morris's. I do not know whether he belonged to the order of Sons of Liberty or not. I arrived at Sullivan on Saturday, the 1st of October, 1864. On arriving there I found that Castleman had been arrested the day previous. At that time he was passing under the name of Wilson.

Q. Did you learn at what hotel he was arrested?

A. I do not remember the name of the hotel. I think it was the McGuire House. I learned that from a druggist in the city.

Q. Who did you see there of your former party?

A. No person.

Q. Did you meet Shultz there?

A. I met him at Terre Haute, going down there. We went down together. Thomas also went with us. We all stopped at Sullivan until the evening of that day. I learned that Castleman had been arrested on the charge of horse-stealing. From there I went to Terre Haute, and thence down to Marshall. I learned at Sullivan that only those who were arrested with Castleman were present at the time of the arrest. Their names were Mumford, who is adjutant, I think, of the seventeenth Tennessee rebel regiment, and a Mr. Damun, who had escaped from Rock Island. They were both arrested and held with Castleman. I do not know where they are now.

Q. Were there any in the crowd who saw him arrested to whom he gave any information?

A. I did not learn.

Q. Do you know the name of the druggist?

A. McCloud. I did not visit any one at Sullivan. I had no instructions or letters to any person. My instructions were merely to return to Captain Castleman. I then went to Terre Haute on the evening of Saturday, October 1st. At Terre Haute I stopped at a house near the river; I forget the name; I only staid there a short time, until I could procure a conveyance to go to Marshall. I was to go there to see what had been done since Castleman's arrest. Mr. Thomas and Mr. Shultz went with me. The only person I found at Marshall was Ignatio; no others arrived while I was there. I did not meet Cantrill at that time. I stopped at the Dolson House. I think I saw Colonel Paton, who, I believe, is a resident of Marshall. I had some conversation with him in reference to the arrest of Castleman. I do not remember who introduced me to him. I had not been in his house before I met him at the hotel. I do not know that he came for the purpose of seeing me. He did not send for me; we only happened to meet. I do not remember how long I talked with him.

Q. Did he appear to know Wilson?

A. He had known him in Marshall.

Q. Did he know he had been arrested?

A. He had been informed that he had been arrested. We then proceeded to Pana, at the junction of the Illinois, Terre Haute, and St. Louis, and the Illinois and Central railroad, where we found Captain Hines. I informed him what had been done to Castleman, and he requested me to proceed to Indianapolis, where I had been informed Captain Castleman had been conveyed, and find out what was likely to be done with him there. I did as he requested me. I think I arrived at the Bates House, Indianapolis, on Tuesday evening, October 4th. I remained there till Saturday, making inquiries as to Captain Castleman's fate; but not finding out anything about it, I inquired of Colonel Warner, the commander of the post. The result was that Colonel Warner arrested me as an accomplice of Castleman. I told him I was an Englishman, travelling in the States for pleasure, and if he arrested me it would be at his peril. Colonel Warner then allowed me to see Castleman and released me.

Q. Did you exhibit to Colonel Warner your papers?

A. No, sir.

Q. How did he know you were an Englishman travelling in the States for pleasure?

A. He simply took my word for it and released me.

Q. What was the conversation you had with Castleman?

A. I merely asked him how he was getting along. Colonel Warner finally told me I could have no more conversation with him, and that I must go.

Q. Did Castleman send any word to the men?

A. No, sir.

Q. Did he not send any instructions as to having them moved to Chicago or elsewhere?

A. No, sir; I merely asked him how he did.

Q. What instructions did Hines give you?

A. To proceed to Indianapolis, and on the way to stop at Marshall and procure from Shultz some money. He gave me \$1,170, and told me to inform those who were there to go to Chicago. This was on Monday or Tuesday, October 3d or 4th. I gave these instructions. I do not know whether they went to Chicago. On the evening of October 8th I returned from Indianapolis to Chicago; I remained in Indianapolis till the evening when I was arrested, when I left. On arriving in Chicago I stopped at the Richmond House. I met Hines in Chicago; I do not know where. I did not meet any of the rest of

the party at that time. I informed Hines that I had been to Indianapolis, and that Castleman was confined in the guard-house.

Q. Did you tell him what offence he was charged with?

A. I did not know at the time. Colonel Warner told me that he was to be hung, and that he would hang me too—but he didn't. At Chicago I saw Hines; he requested me to go and see Castleman's family in Kentucky. I left Chicago on the evening of Monday, the 10th of October.

Q. Who, if any, of the accused did you see Hines with in Chicago?

A. I do not remember seeing him with any of them.

Q. Did you at any time see him in company with Walsh, Judge Morris, Anderson, or any of the accused?

A. Not to my knowledge, sir. I had but one interview at that time; I do not remember where that was; I do not remember whether any one was present. I got my instructions to go to Kentucky and see Captain Castleman's family; that was the only purpose for which I went. I arrived in Lexington on Tuesday or Wednesday evening, October 11th or 12th. On the following morning I drove out to Castleman's mother's house, and informed her of his arrest. That was all I informed her. As I was going back by Indianapolis, Mrs. Castleman and her daughter returned with me. I staid one day at Indianapolis, at the Palmer House. I did not see Castleman or receive any letters from, or deliver any to him. I started for Chicago on, I think, Saturday evening, October 15th. I went to Chicago to try and see Hines to get him to send a message to Canada for O. C. Clay or Thompson to be held as hostages for Castleman's safety.

Q. Who were you executing that trust for?

A. I do not remember whether that was a suggestion of my own or of some other person; I think I suggested it. When I arrived in Chicago I was informed that Hines had left, and was at that time in Canada. I then returned to Louisville on business of my own; I returned from there to Chicago on the morning of Wednesday, the 19th of October. From there, on the morning of the 20th, I started for Canada to see Captain Hines. I did not carry any messages from persons in Chicago to Canada, but I made calls in Chicago.

Q. On whom?

A. Friends of my own.

Q. Who were they?

A. That is my business.

Q. That is the business of this court.

A. The court cannot know it, sir.

Q. Yes, they can.

A. They will not, sir.

Judge Advocate: We will leave that for the present.

Q. Who did you see after you arrived in Chicago on the 19th?

A. I saw several: Ellsworth, who had been telegraph operator for General Morgan; Pettyworth; I do not remember the names of the others. I do not remember whether the telegraph operator was captured with General Morgan. No one went with me on the 20th to Canada. I went to Canada to see Hines. I arrived in St. Catharine's, Canada, on Friday morning, October 21, and I saw Clay and Hines there. I asked C. C. Clay if he would be held hostage, or have hostage held, for Castleman's safety, and he promised me he would. I had no conversation with Hines. I staid there six hours, and then returned to Chicago. Captain Hines returned with me. I staid at the Richmond House; I am not certain that I did not stay at Mrs. Morris's. I don't remember whether I stopped there at that time or some other. Hines stopped somewhere else; I do not know where. I staid in Chicago until the following evening. I do not think I met any of the rest of the party. I then went to Indianapolis on business of my own. I informed Castleman on my arrival there what Clay promised to do. I remained in Indianapolis an hour or two, and then went to Louisville, where

I arrived on the morning of Tuesday, October 25. I went to Louisville under no person's direction, solely on business of my own. I then went to Spring Station, also on private business, and not in pursuance of any arrangement. From there I went to Lexington on my own business. I did not meet any of the party on the road. I returned to Louisville on Friday evening, October 28, where I saw Mrs. Castleman. I informed her, for the first, of the arrest of her brother; I did not inform her previously on my way to Indianapolis. I then returned to Chicago; owing to accidents on the train I did not arrive till November first or second. I saw Captain Hines; I do not remember whether I saw any of the others. I did not carry letters or instructions to Chicago. I saw Hines on November first or second. He requested me to go to Kentucky and see Colonel Jesse, who is an officer in the confederate army. He is known as Jesse the guerrilla. Hines told me to ask him where he would be if, at any time, he (Hines) wished to communicate with him. I left Chicago on the evening of my arrival, which was on Tuesday or Wednesday; I forget which. This verbal message was all I carried to Jesse. I was also instructed to furnish him with any funds he might require. I had no money, but was to borrow it from my friends in Kentucky, and be repaid by Captain Hines. I came by way of Cincinnati to Lexington. From Lexington I went to Frankfort, and from Frankfort to Monterey, Owen county, Kentucky. I got a horse at Lexington to go to Monterey; no person accompanied me. I staid all night at Monterey with Dr. Du Bean. At Monterey I learned that Jesse was down at the mouth of the Brenan; I started for that place on horseback. I called at the house of a Mr. Dowell or Mr. McDowell; he informed me that Jesse had been in that neighborhood the previous morning. I then went to the house of another man, (whose name I forget,) and at his house I met Lieutenant Colonel Stone and Colonel Morris of the confederate army; they informed me that Jesse had just passed the river. I had met Colonel Stone in Canada; he was formerly one of Jesse's men. I crossed the river into Henry county, and found Jesse on that side of the river; he had thirty or forty men, and was encamped. I did not learn how many men were in his command; the balance of his command was not there, but was scattered throughout the country. I gave the messages to Jesse, which Captain Hines told me to do. At first he declined to believe me, saying "I was a federal spy;" but Colonel Stone, whom I had previously known, told him who I was. He finally determined to trust me. He said he wanted some money (\$1,100 or \$1,200) to pay for some arms. There was no definite arrangement made as to where Hines could find him at any time. I did not inform him what was required of his forces; there was no talk about sending him to Chicago or elsewhere. I staid with him on Saturday night, November 5, until the following morning, when we were surprised by about seventy-five men of the Union army. As there were only five of us, we had to fly to the hills on the opposite side of the river. On the evening of the 6th I left Jesse and rode to Pleasureville. Went to Lexington on Monday, the 7th, and borrowed \$1,100 from some friends there; went to Louisville the same evening, and delivered the message that Jesse was waiting, and then went to Indianapolis, arriving there on the morning of the 8th of November. I staid there all day with friends of my own, and saw in the Indianapolis Journal an account of the arrests made in Chicago on the night of Sunday or Monday, the 6th or 7th of November. I then went to Chicago, arriving there on the morning of the 9th; stopped there all day, and left the same evening for Cincinnati; arrived in Cincinnati on the morning of November 10; sent a message to Hines on my arrival. Hines then sent me \$3,000. I took out the sum I had borrowed from my friends in Kentucky, and sent it to them. With the balance I was instructed by Hines to buy horses. He had about fifty men for whom he wanted horses.

Q. Was there any message to Jesse about sending men to Chicago to vote?

A. No, sir; I never said anything about any men; I was simply to ask where he could find them. There was no talk between Hines and me on that subject. I delivered my message to Hines on my arrival. I bought several horses at Augusta, Kentucky, representing myself as purchasing horses, or for any other purpose. On Monday evening I came down to Cincinnati. On the evening of November 15 I went to Chicago; on Wednesday evening, the 16th of November, I was arrested by Mr. Langhorne.

Q. In that statement you say: "I had a talk with Jesse, and told him that Captain Hines wanted him to send up some men here to vote for McClellan; that was the ostensible object for which they were to come up—that is what Hines had sent me for." Did you so state?

A. I did.

Q. Was that the fact?

A. No, sir.

(T. W. Bartley, esq., here objected to the testimony, on the ground of its incompetency, and also that the judge advocate could not impeach his own witness.)

The judge advocate further read: "The money I sent to Jesse was to pay the expenses of the men up here; those were my instructions from Hines. Hines told me I was to find Jesse, and said he was in Henry county." Did you so state?

(T. W. Bartley, esq., further objecting, the extracts were withdrawn by the judge advocate.)

Q. When you first saw Jesse did you give him any money?

A. I gave him \$100 when I first saw him; this money, I presume, was for the same purpose, but nothing was said about it.

Q. Was there any conversation about paying expenses?

A. No, sir.

Q. Did you learn from whom those arms were bought at Louisville?

A. No, sir.

Q. When did you see Hines after the arrests made in Chicago?

A. I did not see him after the 15th of November.

Q. Did you learn that Hines was in Chicago the day of the arrests?

A. I did not.

Q. Were you examined in reference to this matter before me in Chicago?

A. Yes, sir; it was an oral examination, which was afterwards reduced to writing by Mr. Pitman. (See note)

Q. Did you, at any other time, receive money from Hines?

A. No, sir; except \$700, and the \$3,000 of which I have spoken.

Q. Do I understand you to say that you have seen the accused, Charles Walsh?

A. Yes, sir; I saw him at his house.

Q. When?

A. I do not remember the date; I was acquainted with Mr. Walsh's daughters, and I went there to call upon them.

Q. When did you make their acquaintance?

A. At their home, some time in September.

Q. Who introduced you?

A. I do not know; some person I met in Chicago.

Q. Was it a lady or a gentleman?

A. A lady, I believe.

Q. Do you know her name?

A. I do not remember it.

Q. Did you not meet Mr. Walsh anywhere else?

A. Yes, sir; I think once when I was at the Richmond House, I met him in the office there.

Q. Had you any talk?

A. Yes, sir; general talk.

Q. Was any one else present?

A. I think not.

Q. Did you meet Judge Morris anywhere?

A. I met him at his house.

Q. Had you ever any special talk with him?

A. No, sir; we talked on general topics.

Q. How often did you go to Judge Morris's?

A. Every time I was in Chicago, except the first time.

Q. Who first introduced you?

A. I had been acquainted with one of Mrs. Morris's nieces in Canada; and Captain Castleman was acquainted with Mrs. Morris, and he gave me a letter of introduction to her; that was how I made her acquaintance.

Q. Was the letter of introduction sealed or open?

A. It was an open letter.

Q. Was Hines in, or about, the hotel when you saw Walsh?

A. No, sir; I never saw them together that I know of.

Q. State whether, to your knowledge, any of those persons you have referred to designated Mrs. Morris as "aunt," and if she called others "son."

A. Not that I know of.

Q. Do you know if Castleman ever designated her in this manner?

A. No, sir.

Q. Do you know what is the meaning of the expression "my aunt?"

A. I do not.

Q. Did you ever send word to Mrs. Morris that her son was arrested?

A. No, sir.

Q. Did you ever send her word about any arrest?

A. I sent a message that I was arrested.

Q. By whom was it sent?

A. By a surgeon, named Jones, that I met in Chicago: he pledged himself that he would not betray that message to any one. I wished him to tell Mrs. Morris that I was arrested, that she might inform my friends in Canada, she being almost the only person I knew in Chicago. That was the only message I ever sent her.

Cross-examination by T. M. KEY, esq.:

Q. Did you ever see the accused, Daniel, until you were arrested?

A. No, sir; not until after my arrest.

Q. Did you ever see Semmes?

A. I never did.

Q. When you arrived in Chicago, on the 31st of August, where did you find Anderson?

A. At a boarding-house opposite the Richmond House.

Q. What did he inform you?

A. He said he was going to Kentucky, to attend to his private business. I never saw him again until the day of my arrest.

By Judge BARTLEY:

Q. You speak of being acquainted with Mrs. Morris, and of having visited Judge Morris's house on several occasions, when you were in Chicago, do you not?

A. I have done so.

Q. Was the young lady, with whom you became acquainted, at Judge Morris's house?

A. She was there part of the time.

Q. What was the nature of your visits to Judge Morris's house?

A. My visit was entirely of a social character.

Q. Had it any connection with the business you were transacting with Castleman, Hines, and others?

A. Not in the slightest degree.

Q. Do you know if Castleman was a Kentuckian, and whether or not he was acquainted with Mrs. Morris?

A. Castleman told me that he had known Mrs. Morris from his childhood.

Q. Was not Mrs. Morris's a hospitable house in Chicago, where Kentuckians usually visit?

A. I believe it was, sir.

Q. Was Hines a Kentuckian?

A. I do not know.

By the COURT:

Q. State if any of the defendants were in Chicago at the time you were there.

A. I saw Colonel Anderson there during the convention; afterwards I saw Mr. Walsh once at his house, and once at the Richmond House, and I saw Judge Morris at his house on several occasions.

Q. State whether, from your own knowledge, or from information obtained from other sources, the parties accused here were engaged in a conspiracy, either by force of arms or otherwise, against the government of the United States.

A. No, sir; I do not.

AMOS GREEN, a witness for the government, was then introduced, and being duly sworn by the judge advocate, testified as follows:

By the JUDGE ADVOCATE:

Q. State your name and residence.

A. I have resided for the last three years in Paris, Edgar county, Illinois; my profession is that of law, which I have practiced since August, 1852.

Q. Did you ever join an organization called the order of American Knights, or Sons of Liberty. If so, when and where?

A. I was a member of the American Knights; I became a member in Springfield, Illinois; I held the position of presiding officer of that order from the spring of 1863, up to March, 1864; the name in the order was grand commander.

Q. Who succeeded you to that office?

A. Mr. J. Corning Judd, of that State.

Q. How many degrees did you take in the order?

A. All the degrees. There are three degrees in the subordinate lodge or Temple, and the grand councillor's degree, which appertains to members of the State council, and the supreme council degree, which appertains to the members of the supreme council of the States; I mean when all the States met together, by their delegates—that is called a supreme council.

Q. Have you attended any meeting of this council?

A. I have attended one in Chicago. It was late in the fall or early in the winter of 1863; November or December, I think. The next I attended was the 22d of February, in the State of New York.

Q. Where did you start from to attend that meeting?

A. From Paris, Illinois. I met Dr. Barrett, of Missouri, on the train going to the same meeting; I understand he is a brother of James A. Barrett. We went from Detroit to Niagara, and by way of Albany to New York.

Q. Did you stop in Canada?

A. Yes, sir; I crossed over from Detroit twice to Windsor, on two different days. I stopped at Windsor with a view to see Mr. Vallandigham.

Q. What to do?

A. I wished to have an interview with him.

Q. What was the result of that interview?

A. An interchange of opinions on the political questions of the day. Mr. Barrett was present.

Q. State what was done after those interviews with Mr. Vallandigham.

A. I communicated to Mr. Vallandigham the character and nature of the order. After representing its purposes and objects to him, he consented to become a member of it, and I inducted him into the order, into all the degrees except that of the supreme council degree. It is due to Mr. Vallandigham to state that I represented to him that the objects of the order were strictly constitutional and loyal.

Q. What is the reason that you did not induct him into that degree?

A. He was not at that time a delegate to the supreme council, and could not be inducted for that reason.

Q. State whether you exhibited to him the rituals or any of the written documents of the order.

A. We used the ritual in his initiation. I was not in the subordinate lodges when I was inducted. I was taken clear through on the same day, and the next day was elected presiding officer of the State council, and my knowledge of the rituals is confined to what I obtained in the higher council. I understood the ritual was the same.

Q. At the time you inducted Vallandigham into the order, were you holding the office of grand commander of the State of Illinois?

A. Yes, sir.

Q. And did you use the ordinary ritual in use at that time?

A. Yes, sir.

Q. What was the order called at that time?

A. The order of American Knights.

Q. Did you use the ordinary ritual?

A. Yes, sir, in substance. The ritual as it then existed we considered had a great deal of verbiage.

Q. Did you administer to him the usual oath?

A. With some omissions. The omissions were in the second and third degrees. I think in the first degree we just gave him a third form of oath, and passed through to the higher degree. We did not go through the regular routine, but condensed it very much. We gave him the material part; the object being to possess him with the outline of what we considered the material portions of it.

Q. What was the object in initiating him at that time?

A. My object was with the view of introducing his name before the supreme council of New York, for the office of supreme commander of the States.

Q. Was his name introduced to that body?

A. After the body was changed at New York, the American Knights was abolished, and the order called the States' Rights Association, or order of Sons of Liberty, was adopted. I was on the committee that drew up the declaration of principles and ritual. We abolished the order of American Knights entirely, and organized a new order. After we had organized a new order, Vallandigham was elected the supreme commander of that order.

Q. After this change was made, as inaugurated by the supreme council, was it carried out through the subordinate lodges?

A. I cannot state, never having been in subordinate lodges; in fact, after the 22d of February I never was in but one regular council, my health being bad; I was not connected much with it until the Chicago convention.

Q. Were any persons designated, at this meeting in New York, to convey that communication to him?

A. A committee was appointed to convey that information to him, and to induct him into the supreme council degree. I was not with them, and cannot say what they did, except from hearing.

Q. State whether you ever met in Canada a person by the name of Jacob Thompson.

A. In September, 1864, shortly after the Chicago convention, being dissatisfied with the action of that convention, Mr. Holloway, General Singleton, and myself concluded to visit Washington to see the President. It was arranged that I should pass through Toronto and have an interview with the confederate commissioners and ascertain their views upon reconstruction with respect to the unity of the States. I visited Toronto and had an interview with Jacob Thompson upon the subject.

Q. State what Thompson said about furnishing money to Dodd, of Indianapolis, for the purchase of arms, &c.

A. After my interview with Colonel Thompson upon the subject of my visit, in the course of conversation he remarked that Mr. Dodd had obtained money from him for the purchase of arms—or Dodd and Walker.

Q. For what purpose did he say those arms were to be used by Dodd?

A. The inference I drew from the conversation was, that they were to be used for the release of rebel prisoners; I presume at Indianapolis. I do not say whether he stated Indianapolis or not; that was the substance of what he said. I think the sum of seventy-five thousand dollars was named in the course of conversation, as having been furnished to Indiana.

Q. Where did this money come from?

A. I cannot tell, except from inferences I drew from the conversation. Colonel Thompson did not state where the money came from, further than that the money had been furnished to him. I understood subsequently, in a conversation with Colonel Barrett, that the money came from funds under the control of commissioners in Canada.

Q. Did you meet at Chicago a man by the name of Colonel Barrett? and if so, state who he was.

A. I am acquainted with James A. Barrett; I have known him for some years.

Q. Did he belong to this order?

A. Yes, sir; I saw him in Chicago, at the convention, in the early part of the month of August. I was on my way to attend a meeting at Peoria. I had some conversation with Colonel Barrett at that time.

Q. Did he belong to the order?

A. Yes, sir.

Q. What conversation did you have there?

A. I had a conversation, but it was outside of the subject of the order.

Q. Had you any conversation with him in reference to his having been furnished with money by the confederate authorities, to be used for certain purposes in these northern States?

A. I had a conversation with Mr. Barrett in which he said he had been in consultation, some time in July, with Mr. Dodd and several others in Chicago; that they, that is, the persons with whom he had the consultation, not the order, had a programme for the release of the prisoners; that means would be provided for that purpose, and he thought it practicable; he spoke about arms being in Chicago—revolvers and guns being there. It was in the conversation in which he spoke of releasing the prisoners. I told him that the project was wild and impracticable, and would involve those engaged in it in irretrievable ruin, and would have a bad effect upon the approaching election, which I thought depended upon peace and quiet in the State, as we were then hopeful of carrying the State. I finally prevailed upon him and he abandoned the project.

Q. State whether or not he did state to you, at that time, that he had been furnished money, by the confederate authorities, to be used in these northern States. If so, state when and where.

(Robert Henry, esq., objected to the question on the ground of its incompetency. Although Mr. Barrett may have been a member of the order of Sons of Liberty, it had not been shown that there was the slightest connection between him and any of the accused; and, therefore, nothing that Barrett said or did, as an individual, could be introduced as evidence against any other members of the organization; especially when the witness himself had described the whole thing as a "wild, impracticable, and ruinous enterprise.")

The judge advocate, in reply, said: It has been shown that these conspirators now at bar had been using this disloyal and treasonable organization for the purpose of consummating their conspiracy. The witness Hull had stated that the accused, Anderson, said that the order was to be used for the execution of their treasonable designs. With respect to the competency of the testimony sought to be introduced, it was simply one member of the order telling another what arms had been provided for the purpose of releasing the rebel prisoners. The proof already on record shows that arms were in the city of Chicago, at the house of a brigadier general of this order. When, therefore, we prove that the accused are members of this treasonable organization, all simultaneously moving forward in the work of treason, you cannot, gentlemen, by your *words* disprove your *acts*. When it has been shown that this organization was to take part in this conspiracy, the burden of proof is thrown upon the accused, to show that they were not members of this organization and participants in this conspiracy.

The court was then cleared for deliberation. On being reopened the judge advocate announced to the accused that the objection was overruled.)

A. Colonel Barrett informed me there was money in Canada for such purposes; and I understood from him that those arms were to be purchased with such means.

Q. Did he say if he had any means furnished in that way?

A. The knowledge I have of that is this: I saw a package of money which he said he was going to send to Mr. Dodd—some \$14,000 or \$15,000, rolled up in paper. He may have made other statements, but I cannot recollect any details.

Q. Do I understand that there was money in Canada for those purposes?

A. I understood that there was money on deposit there, from Europe, which was to be used in any way they thought would subserve the interests of their government.

Q. Was it stated how it was to be used?

A. I understood that the money furnished Dodd was to be used for the purpose of releasing the Indianapolis prisoners; Dodd residing there, I inferred it was the Indianapolis prisoners; and also the arms that were in Chicago. I understood, were bought with money that had been obtained from the same source. A while after being in Toronto, I returned to the city of New York.

Cross-examination by Judge BARTLEY:

Q. Did you understand the objects and purposes of that meeting in New York?

A. At the meeting in New York, in February, 1864, we abolished the order of American Knights, and instituted the Sons of Liberty, but in the interview with the President Singleton and Holloway informed him that we were members of that order. We were personal friends of the President, and our motive in visiting him was an honest desire to see if we could not be instrumental in putting on foot some negotiations on the basis of the unity of the States.

Q. What position had been occupied in that order by a Mr. Wright?

A. Mr. Wright was the gentleman who organized the order in the State of Illinois; I was initiated by him; he assumed to act as presiding officer of the supreme council, but I do not know that he was elected to that position.

Q. Have you any knowledge of his publishing an address to the members of the order?

(An address was here handed to the witness.)

A. I have seen a copy of this same paper before. I understood that Mr. Wright, at that time, was assistant editor of the New York Daily News, and this address appeared in the News, but I cannot fix the date. I received a copy of it, in this form, through the mail, and understood that it was the emanation of Mr. Wright.

Q. Had Mr. Wright any authority from the order to publish that address?

A. None, to my knowledge.

Q. Did the order, so far as you know, approve of the sentiments therein expressed?

(Question objected to as irrelevant and illegitimate.)

The court was cleared for deliberation. On being reopened the judge advocate announced to the accused that the objection was sustained.)

Question. Was not Mr. Wright removed, or superseded in his position as presiding officer of this organization, on account of this very paper?

(Question objected to and withdrawn.)

Q. What connection, if any, with the order of Sons of Liberty had the order of the Illini?

A. I know nothing about the organization of the Illini; I know of no such order in the Sons of Liberty, although it may have been a name given to a county temple or lodge.

Q. When was the meeting in New York?

A. From the 22d of February, 1864, and continuing in session some four or five days; that was when the order of American Knights was changed to that of the Sons of Liberty.

Q. Were the rituals, oaths, and forms of initiation of the order changed at that meeting in New York?

A. A committee was appointed that drew up a new constitution, declaration of principles, by-laws, &c., creating and establishing this new order of States' Rights Association, or order of Sons of Liberty. It was intended that it should take the place of the order of American Knights, and that it should be communicated to the respective States. How far it was communicated I am not prepared to say, as I was after that very little in the council.

Q. Have you any knowledge of any action, on the part of this association, to interfere with the military authorities of the United States, in their confinement of prisoners in camps of the federal army?

A. None, whatever. The order, to my knowledge, had no such intention.

Q. Had you any conversation with S. Corning Judd, the presiding officer of this order, after your conversation with Barrett on the subject that he had broached to you? If so, state that conversation.

(Question objected to and withdrawn.)

By Judge WILSON:

Q. To whom did you first communicate the information you received from Barrett?

A. The first person connected with the government was Major Burnett; this was after my arrest, some two months ago.

Q. When were you arrested?

A. Some time in November.

Q. Were you arrested by the government?

A. I was, by the military authorities.

Q. On what charges?

A. I have never seen any charges. My own opinion was that it was in consequence of my connection with the order.

The commission then adjourned to meet on Wednesday, February 8, 1865, at eleven o'clock a. m.

COURT-ROOM, CINCINNATI, OHIO,
February 8, 1865—11 o'clock a. m.

The commission met pursuant to adjournment. All the members present; also the judge advocate, the assistant counsel, and the accused and their counsel. The proceedings were read and approved.

Colonel B. J. SWEET, a witness for the government, was then introduced, and being duly sworn by the judge advocate, testified as follows :

By the JUDGE ADVOCATE :

Q. State your name, and your official position.

A. B. J. Sweet, colonel, commanding the 8th regiment reserve corps.

Q. What are your official duties at this time, and what were they during the months of September, October, and November, 1864 ?

A. Commanding the post at Chicago, including Camp Douglas.

Q. What does that post include ?

A. The territorial limits of the post extend to the line nearest the next military post.

Q. As a matter of fact, what are the geographical limits of the command of the commandant of the post at Chicago ?

(Question objected to by the accused. The court was then cleared for deliberation. On being reopened, the judge advocate announced to the accused that the objection was overruled.)

A. I shall be obliged to state where the other posts are. The military posts surrounding the post of Chicago are, first, running north, Madison, Wisconsin; that to the west, Rock island; more nearly south, Springfield, Illinois; and on the east, I think it is Detroit, Michigan. I am accustomed to exercise jurisdiction over all the territory about Chicago, until I reach the points intermediate between Chicago and the points named.

Q. State what special duties are exercised by the commandant of the post there.

A. The commandant of the post has jurisdiction over everything pertaining to military affairs in Chicago, or within the territory named. He commands all the troops, is responsible for the conducting of all military business, of every description, and also for the good order and conduct of his troops, and of everything that relates to military affairs; he is responsible for the protection of government property; also for the protection of the city and the safety of the camp.

Q. How large, relatively, is the depot at Chicago, as compared with other depots ?

A. I think it is among the first in rank as a depot of supplies for the army of the United States. I infer so from the fact that Captain Potter was designated as colonel of that depot, there being only ten colonels in the United States assigned to this duty. There are but ten depots of supplies, and Chicago is made one of them.

Q. What was the number of troops under your command in August and September last ?

A. In the early part of August last the number fit for duty, under my command, was in the neighborhood of eight or nine hundred; in the latter part of August last I received reinforcements to the number of 1,200; four companies of these, one hundred days' men, remained a week; the 196th Pennsylvania, numbering perhaps 750 men, remained sixty, perhaps seventy days; they came in August and remained till the latter part of October.

Q. What was the occasion of your receiving these re-enforcements ?

A. I telegraphed for them.

Q. What was the number of prisoners under your control at the camp in August ?

A. Between eight and nine thousand; about the same in November.

Q. What was the strength of the garrison in the latter part of October and up to the 8th of November?

A. The morning report of the 6th of November shows that the whole number of men for duty, in and about the post of Chicago, was 796, rank and file.

Q. What were the duties of those men?

A. About 60 of them were stationed in Chicago as provost guards, whose duty it was to look after deserters, to protect the property of the depot quartermaster's office, and the general care of government property in Chicago; this left 736 on duty in camps. At Camp Douglas the main duty was to guard the prisoners of war confined there; but there were various details made upon the troops, such as for sending deserters to Chicago, Cincinnati, and Columbus, Ohio, besides the general duties of the post.

Q. What was the entire guard detailed for the prisoners in camp?

A. I think the entire guard on duty at one time, on any one day in the early part of November, was about 250, this brought the men on duty every other day. A large number of the men were not soldiers for guard duty, many of them being detailed for different departments, such as quartermasters, commissary of prisoners, general duty, &c., which left as a reserve force that could bear arms, to be called upon at any time—that is all the men not on duty—250 off, and 250 on duty.

Q. How far is Camp Douglas from the city of Chicago?

A. It is within the city limits; it is a trifle over three miles distant, and is reached by the street cars.

Q. How is the camp located as to buildings around it?

A. On the north side of the camp the buildings are right across the street, wooden ones mainly; there are also houses across the street on the east side; there is a hotel immediately opposite the camp, and there are dwelling-houses opposite and around.

Q. How far is that hotel from Mr. Walsh's?

A. Perhaps a quarter of a mile.

Q. How far is Walsh's house from the camp?

A. I do not know the exact distance; I never caused an exact measurement to be made.

Q. How many houses are there in a direct line from Mr. Walsh's house?

A. I do not know exactly; three or four I believe—in going from the camp to Mr. Walsh's house, I mean.

Q. Under whose orders are you as commandant of that post, and under whom were you at that time?

A. My duties are twofold, as commander of the post, and commander of the troops. I am under the orders of General Cook, of Springfield, Illinois, and of this department headquarters, General Hooker's. So far as relates to my duties as regards prisoners of war, I am under the immediate command of the commissary general of prisoners at Washington.

Q. Who was commanding the department about the 8th of November?

A. Major General Hooker.

Q. Was there any commander of the district of Illinois?

A. General John Cook.

Q. By whose orders was the arrest of these prisoners at bar made, and by whom were they arrested?

A. These prisoners were arrested by my order. Walsh, Cantrill, and Daniel were arrested by Colonel Skinner and the troops under his command. Grenfel and Shanks were arrested at the Richmond House, by a detachment of soldiers under the command of Captain Pettiplace, and some members of the police. Marmaduke was arrested by Captain John Nelson, of the Chicago city police, at the house of Dr. Edwards, No. 70, Adams street. Judge Morris was arrested

by the same party of policemen that arrested Grenfel ; I think Mr. Keefe was the active party in making the arrest of Judge Morris. They were arrested on the night of the 6th of November.

Q. How did these arrests come to be made, and upon what information did you act, if any, as to who those parties were, and what were they arrested for ?

A. I arrested them upon information I received, which led me to the conclusion that these men were engaged in a conspiracy against the United States, to release the prisoners at Camp Douglas, and to produce a revolution in the States of Illinois and Indiana. Upon that information I acted, without waiting for orders from superior officers. There were two reasons why I did not consult with superior officers : the first was that I believed the emergency to be immediate ; and the second was, I did not trust the telegraph to convey the message. I had reason to believe that the Sons of Liberty had their men on the telegraph and railroads.

Q. Did you arrest other parties beside these men at bar ?

A. Yes, sir ; perhaps one hundred and fifty men in all, who were principally from central and south Illinois ; they had lately arrived in Chicago. The men now in custody (I have about one hundred) are mostly from Fayette and Christian counties, Illinois.

Q. In what places did you arrest these men in Chicago ?

A. They were arrested by the police, some by citizens and some by my soldiers ; they were arrested in hotels, grog-shops, boarding-houses, streets, alleys, and under the side walks, and wherever we could find men of this character and description.

Q. What description ?

A. Vagabonds.

Q. How did you determine this ?

A. By their looks, appearance, and language.

Q. What proportion was armed at the time of their arrest ?

A. Very few.

Q. Did they assign any reason for being in Chicago at that time ?

A. Most of them said they came there to see the city.

Q. Did any of them belong to any military organization, or any *quasi* military organization ?

A. Some of them said they belonged to the Sons of Liberty ; some of them had been in the southern army ; perhaps one tenth of all the persons arrested belonged to the rebel army ; perhaps fifteen of them had been members of the rebel army.

Q. Do you know of any military organization known as Clingman's gang ?

A. Yes, sir ; it was an organization in some counties in Illinois, whose headquarters were in Fayette and Christian counties, consisting principally of deserters from our army, Sons of Liberty, and men who were there to resist the draft and the authority of the provost marshal of the district in which they resided. I think I got the officers and the principal men of that gang. I got the captain and lieutenant.

Q. Were they organized under any State law ?

A. No, sir.

Q. When did you arrest this Clingman gang ?

A. I think I arrested them all before the morning of the 8th ; I commenced arresting on the night of the 6th.

Q. They were strangers, were they, and you took them in ?

A. Yes, sir.

Q. State how many acres there are in Camp Douglas.

A. There are from sixty to seventy ; this includes the whole camp ; the extent of the prisoners' camp is about twenty acres. The camp was surrounded and protected by a fence during the month of November—a board fence twelve



feet high, 1½ inch thick, nailed on to the inside, the boards being put on end-ways.

Q. Where did the sentries have their position?

A. The outside sentinels stood on the parapet which is on the outside fence, within three feet of the top, and attached to the fence.

Q. Would that camp be most easily assailed from the inside, or the outside?

A. It would be most easily assailed from the outside.

(A paper was here handed the witness.)

Q. State if that is a rough drawing of Camp Douglas?

A. Leaving out true proportions, it is; the outlines are those of Camp Douglas.

The paper was then introduced in evidence by the judge advocate; said paper marked "Government exhibit A A," hereto attached and made part of this record.

Q. Was forty the correct number of the barracks at that time in the camp?

A. Yes, sir; they were in the prisoners' square. This was a correct drawing of the camp for the months of August and September; I remember that time particularly from circumstances which transpired. The tents, as they appear on the west side, were there at that time. There are not forty barracks there at present, but there was at that time, perhaps forty-two; my troops were in the position designated on the map. The gate marked on the north side is as it is represented; also the one on the south side. This (pointing to the map) is a stone building from eight to ten rods from the camp; it overlooks the whole camp; it is one of the finest structures in the whole northwest; it has a very fine tower, which is used as an astronomical observatory; the building marked as a hospital was formerly used as a cavalry barracks. From fifty to one hundred men stationed in the stone building of which I have spoken, and which must be Douglas University, would make the entire camp untenable to any force.

Q. Did you have any guard stationed about that building?

A. At the time of the Chicago convention, and during its session, I kept from one to two companies there; they slept at the house every night.

Q. State to the court whether you ever had in charge, as a prisoner of war at Camp Douglas, a man by the name of Shanks.

A. Yes, sir.

Q. When did he come there?

A. I found him there when I assumed command of the post at Chicago, which was the 2d of May. He was a clerk in the office of the commissary of prisoners.

Q. Did he at any time make application to you to take the oath of allegiance? If so, when?

A. He made an application, which passed through my hands and received my approval.

Q. Did you universally approve those applications or not?

A. No, sir; I never approved any application without good evidence that the applicant was truly desirous to become a loyal citizen.

Q. When was this application granted?

A. I do not think that application was ever granted. I think his application was the basis of my recommendation to the Commissary General of Prisoners, when I stated that this prisoner of war had given me the best evidences that he was a loyal man, and disposed to serve the government of the United States.

Q. Was he given greater liberty than some prisoners? If so, to what extent?

A. In a camp like Camp Douglas it will inevitably be found that some men will be much more generally trusted than others. I found Shanks in the office of the commissary of prisoners; he was an excellent clerk and was retained there; during the day he was in the garrison square; he slept in the prisoners' square. There was no guard placed over him when he was in the garrison square. He gave parole that he would not attempt to escape; that was as far

back as May. I think he was paroled before he made application to take the oath. There were quite a number of other prisoners in the same position as he, among others a man by the name of Gray; also a number of clerks in the medical department.

Q. What further privileges did he have more than other prisoners?

A. I think two or three times he was allowed to go to the city with an officer or with some one.

Q. Did he ever go under the *nom de plume* of Johnson?

A. I do not know that he ever did.

Q. Did any other prisoner?

A. I do not know of any other prisoner who did.

Q. Were the prisoners allowed to have money in their possession?

A. They were not.

Q. Had Shanks any money to your knowledge?

A. I think he had a dollar.

Q. How did he get that?

A. I think I gave it to him.

Q. What was the process when they were brought to the prison; was or was not money taken from them?

A. The rule in relation to money allowed prisoners of war was this: all prisoners are searched when they come into Camp Douglas, and all money is taken from them and placed to their credit on the prisoners' account; and they are furnished by the sutler of the camp with money as they need it. Letters coming to prisoners of war are inspected, and any money coming in those letters is taken out and placed to their credit on the prisoners' account. The prisoners are never allowed to have money if it is known.

Q. Did you at any time send Shanks to the house of Judge Morris?

A. I did. I sent him to the house of Judge Morris about November 3d. I had heard that five prisoners of war had escaped from Camp Douglas, and I thought they might be at Judge Morris's house. I feared there were persons in Chicago for the purpose of furthering this pretended conspiracy, and I desired to get into the confidence of those persons. I sent for Shanks and asked him if he was disposed to aid the government and to do his duty as a loyal man; he said he was, and I desired him to go to Judge Morris's house and represent himself to have forfeited his parole and escaped, and if possible to be hid with the same prisoners who had already escaped in that manner. I thought I would get them in his confidence, and thus find out the plans of these men.

Q. What was done in furtherance of those instructions?

A. I sent to town for Thomas Keefe. He came up in a buggy and took Shanks; I gave them both instructions what to do. I then took the street cars and went to my office, No. 90 Washington street. I told Shanks when they had got through to report to me at 90 Washington street, provided he could not find the prisoners. He did report and brought me thirty dollars, and stated that that money had been given him by Mrs. Morris.

Q. Did he have any money before going there to your knowledge?

A. He had a dollar.

Q. Did he have any more to your own knowledge?

A. Not to my knowledge.

Q. Where and when did you first meet the man by the name of Langhorne?

A. Morris Langhorne came to my headquarters at Camp Douglas on the afternoon of the 5th of November last. He introduced himself to me by showing me a letter bearing the signature of Hon. William H. Seward, Secretary of State, which signature I knew to be that of the Secretary of State; I do not know for what purpose he showed it to me. I think he asked to be allowed to take the oath of allegiance. He went into the employ of the government, but not at the time he gave me information of this plot.

Q. What was done about it?

A. I did not know whether to take Langhorne in my confidence or not at that time. I met him again the next day (Sunday) at the Tremont House, in Chicago, when I became fully satisfied that he was honest and sincere.

Q. Did he give you any assistance in ferreting out these men or others?

A. He gave me a very great deal of assistance.

Q. Did you find his information correct or incorrect?

A. Always correct.

Q. When did he go into the employ of the government?

A. I think about the 12th of November, though I won't be certain as to the date. Some time after these arrests were made I sent for him and asked him if he would identify certain persons for me and arrest them if he could; that was about the 12th of November.

Q. Was there any understanding or agreement in any way between you and Langhorne before these arrests were made?

A. None whatever. He stated to me that he desired to take the oath of allegiance, and do his duty to the United States government; that he thought it was his duty to make these arrests.

Q. What persons were arrested through his information?

A. Charles Walsh and the persons at his house; also Cantrill and Daniel. He himself arrested John Maughan, the witness who has been on the stand here; this was after he went into the employment of the government. Maughan was arrested at the Tremont House.

Q. Did Langhorne give any information as to ammunition being in the house of Mr. Walsh, or other places?

A. He did.

Q. Was ammunition subsequently found in accordance with that information?

A. It was.

Q. Did he give particular information as to the kinds of ammunition to be found at Mr. Walsh's house?

A. Yes, sir.

Q. Did the fact correspond to the information?

A. It did.

Q. Did you give him any fictitious name to go under while he was under your employ?

A. Yes, sir.

Q. What was it?

A. Johnson.

Q. Did he go into your employ as a detective upon his own solicitation, or upon your application?

A. Morris Langhorne was never, in any sense of the word, a detective. He went into my employ for the purpose of arresting certain parties known to him, and of whom he had given me a description. I sent for him and took him into my employment for that purpose.

Q. It was your application and not his, was it?

A. Yes, sir.

Q. Did he in any wise act as a detective for you?

A. I do not think he did.

Q. Did he simply assist in the arrests?

A. Yes, sir; he arrested all persons whom he believed to be from Canada, for this purpose. The programme was this: That if he saw anybody whom he believed to be engaged in this conspiracy, or any one whom he had met in Canada who was engaged in it, he was to arrest them.

Q. Did Shanks ever come into your employ as a detective?

A. No, sir.

Q. What were his duties ?

A. He had always been at work for the government ever since I had known him, up to the 12th of November. I think he worked for nothing ; and since then he has been paid \$100 a month for his clerkship. It is possible his pay commenced a month before that, though I do not know.

Q. Did he receive any money for doing detective work for the government ?

A. I think I paid him a month's wages prior to the time of his actually being paid as a clerk ; that was before he was with the commissary of the prisoners.

Q. What did he do during most of that month ?

A. He was a clerk most of the time.

Q. Did he act outside when desired ?

A. He went outside two or three times.

Q. What was done with the arms and ammunition that were seized at that time ?

A. I have the shot-guns in Camp Douglas. The pistols are in Colonel Hunt's possession ; he has not returned them yet, although I ordered him to do so the other day.

Q. Do you recollect the total amount of arms seized at the time of these arrests ?

A. I could not give the exact figures, but can nearly : about 354 revolvers, about 200 shot-guns, double-barrelled, and about 30 cavalry carbines. Most of the shot-guns were loaded—that is, those received from the house ; those received from the barns were not loaded.

Q. How many cartridges were there made of shot ?

A. That I am unable to say ; there were fourteen or fifteen thousand rounds of cartridges altogether. We seized some arms from those parties who were arrested in the street ; I do not know exactly how many. These arms were captured from the bushwhackers, and not from any of the accused present. I cannot say whether we found any arms upon the persons who were arrested and are present here to-day.

Cross-examination by Judge WILSON :

Q. You state that Colonel Grenfel was arrested with Shanks ; do you mean to say that he was arrested *with* him, or that he was arrested at the same time, at the same hotel ?

A. He was arrested at the same hotel.

By J. O. BROADHEAD, esq. :

Q. When Marmaduke was arrested and taken to your office, did he not state to you what his full name was, and who he was ?

A. Yes, sir, he told me his name was Marmaduke.

Q. Did he tell you the reason why he was there under an assumed name ?

A. No, sir, not at that time. I think he said something about it afterwards.

Q. Did he not tell you that he had been banished from Missouri by General Schofield ; that he was in Chicago under an assumed name, and that as soon as he was permitted he was going back to Missouri ?

A. I do not think he did that night, but he did afterwards.

Q. Did you not tell him when he was arrested that you thought him a confederate officer ?

A. I did.

Q. Did he not tell you distinctly that he had never been in the confederate service ?

A. No, sir ; he did not tell me that.

Q. What did he say on that point ?

A. He told me he was not a colonel.

Q. Did he not tell you that he had never been in the confederate service in any capacity ?

A. Not then.

Q. Did he afterwards ?

A. I think he did.

Q. What led to the remark that he was not a colonel ; was it not because you addressed him as " colonel ? "

A. It was.

By Judge BARTLEY :

Q. You say you arrested 150 men in the streets of Chicago by their appearance ; what was there in their appearance that induced you to arrest them ?

A. It will be remembered that I, personally, did not arrest these men ; they were arrested by the police of the city of Chicago, by detachments of my own troops, and also by citizens.

Q. Do you say these 150 men were arrested about the city of Chicago on account of their appearance ?

A. No, sir ; I do not think they were arrested on account of their appearance.

Q. What was it you stated in your direct examination on that subject ?

A. I do not remember exactly what I did say ; I said something about their appearance, general character, language and action.

Q. Were they strangers to you, or did you know what their private character was ?

A. I can tell a man's character pretty well when I see him.

Q. Had you been acquainted with them before ?

A. No, sir.

Q. You judged of their character by their personal appearance, did you ?

A. Yes, sir.

Q. What was there peculiar in their personal appearance ?

A. A general kind of wolfish aspect.

Q. Was it different from anything you had ever seen before ?

A. No, sir ; I have seen the same general expression on most depraved men.

Q. Was this appearance confined to a few ?

A. It extended to the whole party.

Q. Did you judge Mr. Daniel by that appearance ?

A. Somewhat.

Q. Did you not say to Mr. Daniel that you thought he was an officer of high rank in the confederate army ?

A. Not of high rank. I said I thought he was an officer in the confederate army.

Q. Did you ascertain that from his wolfish appearance, combined with his intelligent appearance also, and have you discovered your mistake on that subject ?

A. Not yet.

By the COURT :

Q. Since you have been commander of the post at Chicago, have your acts been approved by the commander of the department ?

A. I think the assembling of this court is the best possible answer to that.

Q. Why did you arrest those parties when you did ? Why did you not wait for further developments ?

A. There were two reasons for that. Shanks reported to me from the Richmond House, that Grenfel, Fielding, and other officers were there ; that Hines, and an escaped prisoner by the name of Gray, had gone to Bridgeport. Gray had had the same privileges as Shanks, at Camp Douglas ; he had been paroled to the garrison square, and had escaped. Shanks and he had roomed together in the prisoners' square ; had slept together. Gray had been about headquarters considerably, and knew me, while Shanks and he were friends. About ten days

before this Gray had escaped. When Shanks reported to me that Gray was still in Chicago, and that he was to lead one of these parties on the camp, and that he was with Hines, and that Fielding had gone to Bridgeport, I was satisfied that if Gray learned that Shanks was out he would tell Hines and they would attack the camp before morning, and the prisoners would escape. The other reason was that it was on the night of the 6th of November, and the election was to take place on the 8th. There was a great deal of excitement in the country, and especially in Chicago, and I judged it would be unsafe to wait any longer, as more of these men might arrive. We were telegraphed to that effect, and I thought we might have a terrific mob if the arrests were not made then.

Q. Had you any official orders as to the limits of your command?

A. No, sir.

Q. I understood you to say that you gave Shanks \$100. Please state if that was an advance payment or in consideration of services rendered?

A. It was in consideration of services previously rendered—for the purpose of buying clothing for himself.

I. WINSLOW AYER, a witness for the government, was then introduced, and being duly sworn by the judge advocate, testified as follows:

By the JUDGE ADVOCATE:

Q. State your name, residence, and occupation.

A. I. Winslow Ayer; I am a physician; my residence is Chicago. I have been a physician for the past five years.

Q. Have you been in Chicago all the time?

A. No, sir; I have lived two years in Chicago. I am engaged in the special practices of throat and chest diseases.

Q. Have you an institute in Chicago?

A. I have, sir. It is a private institution, and is so called because the system of practice is somewhat peculiar and differs from ordinary practice.

Q. Are you a graduate of any institution?

A. I graduated from Harvard Medical University, Boston, Massachusetts; and have two diplomas from the Eclectic College in this city.

Q. State if you ever joined an organization called the American Knights or Sons of Liberty?

A. Yes, sir; I joined an organization of the Sons of Liberty, about the 1st of July, 1864, in the city of Chicago.

Q. How did you first learn of the existence of such an organization?

A. In making a professional call in Michigan avenue, I met Dr. Winters of that city, who after recognizing me as a member of the masonic fraternity, began the discussion of politics, remarking that he was connected with a certain democratic organization, and asked my politics. I stated to him that I was a Union democrat. He then handed me a circular or address, which he wished me to read, and if I wished to connect myself with that organization that he would be happy to introduce me.

(An address was here handed the witness.)

Q. Is that a copy of the address handed you?

A. I think it is. I believe that is the identical paper.

Q. Did you subsequently learn that Dr. Winters was a member of that order?

A. He was. I met him in the order frequently afterwards.

Q. Was that document circulated as enunciating the principles of the order?

A. Yes, sir; and they must subscribe to these doctrines before they could be initiated.

Q. State how you came to join the organization.

A. After reading the circular I was not satisfied with it. I regarded it as a treasonable paper, and I put it away into my secretary, but I thought of it frequently afterwards. One evening, in the month of June, as I was sitting in my

back office (the door connected with the hall through which the Sons of Liberty must pass, in passing into their hall) I heard parties in conversation in reference to the administration, &c., and to some council which was then in session, or about being in session. It excited my curiosity, and I remembered the paper in my secretary. Turning up my gas and opening the door the light fell upon the faces of those parties, and I then made up my mind to investigate this matter further. I afterwards stated my suspicions to Mr. Arnold; he had little faith in its treasonable nature, and would not believe anything of the kind. Then I consulted my friend of the Tribune, Mr. Rand, who introduced me to other parties. I stated my suspicions to them. Mr. Rand urged upon me the necessity of informing the authorities, and he and Mr. Arnold gave me a letter to the governor. By their advice I went to Springfield and had an interview with Governor Yates, and also with Brigadier General Payne, who was then in command of that district. I stated to the governor my desire to withdraw and have nothing further to do with it, but he urged upon me the necessity of pursuing the investigation, and gave me a letter to General Payne. I saw him at the St. Nicholas Hotel in Springfield. He had long suspected the existence of such an order, and urged me to prosecute the inquiry further; and at his instance I did so. I had joined the order between my interview with Mr. Reynolds and my interview with Governor Yates. My reason was that Mr. Reynolds was very sceptical, and I joined to satisfy him fully in regard to the matter.

Q. Who did you see in the order?

A. Among the first persons I saw on being introduced into the order was Judge Morris, who was presiding as Grand Seignior.

Q. Did any one make a speech that you recollect in July?

A. Various speeches were made. There was a man by the name of Clark, who was introduced as a member of the Grand Council from Indiana, who made an address to us, beginning by presuming that we had all seen his communication in the Times of that date, over the signature of Colonel Walker; he was that party, and he edified us considerably about the seizure of arms in Indiana, and remarked that all was not lost, as plans were in progress by which a restitution would be made, and ended by saying, or implying, (I do not remember his precise language,) that if restitution and satisfaction could not be obtained in any other way, it would be by the bullet. I do not remember that he stated in whose possession the arms were, but he spoke of Governor Morton, and he implied that Governor Morton would be assassinated if restitution was not made. He was introduced as Clark, but he was also called Walker.

Q. Was any other special business transacted at that meeting?

A. I do not remember.

Q. What was the next meeting you attended?

A. I attended them regularly. There was a meeting on the 25th of August; that evening was assigned for the semi-annual election of officers. Mr. George A. Wilkinson was elected; Charles W. Patten presided. It was deemed a fitting time for considering the expediency of altering the pass-words, signs, and grips, which the Tribune had so fully exposed, and some members asked if anything had been done, or any precaution taken to guard against impositions by outsiders, and it was remarked that a man with a bundle of Tribunes under his arm could initiate any number of members, and in connection with that it was said that Patten had been in conference with the higher authorities, in relation to the change of the signs, pass-words, grips, &c., that had been exposed in the Tribune.

Q. Did suspicion alight upon any person?

A. It was not understood to have been done in Chicago. Some severe remarks were made with reference to those who had exposed them, that "they would get their passports to hell," and that "they would go out some fine night, and would not again return." Judge Morris was present.

Q. Was any speech made by Judge Morris?

A. There was. I do not know that I could give the language in full, but it was a democratic speech in the beginning—speaking of the oppression of the general government and the general tyranny of the administration, and the necessity of democrats banding together, and arming themselves to protect their rights, &c. He then remarked that there would be no disturbance at the convention, which was then shortly to meet; that they would act purely on the defensive in that matter, and counselled that we should all stick together; and if the disturbance was begun on the other side, that they who began it would go to hell; that they had already two full regiments well armed. This was said by Judge Morris. He said a demand was to be made the following week, I think, on Tuesday, for the arms which had been seized in Indiana. (I believe it was in Indiana; it was a recent seizure,) and if this application failed, a revolution would be inaugurated in Indiana as sure as there was a God in heaven, or an abolitionist in hell. There was no other set speech that night.

Q. Upon whom was this demand for restitution to be made?

A. I do not know that any one was designated.

Q. Was any person by the name of Dodd referred to that evening?

A. I do not remember.

Q. Have you heard anything said upon the subject of releasing rebel prisoners confined at Camp Douglas? If so, what, and by whom?

A. I have, sir; I have heard it on several occasions. The first I ever heard of the liberation of the prisoners at Camp Douglas was a set speech by L. A. Doolittle, who was a lawyer and a justice of the peace in Chicago. In that speech he told us definitely how the camp was situated; that it was accessible on two sides; that guns were in position only on one side; the western side was referred to as being the weakest. He told us that it was surrounded only by a common board fence, and said that the camp could easily be taken, as the force guarding it was very small. During this speech, a Mr. James Geary, who sat very near me, remarked, "God damn him, I wish he would sit down;" he thought he was telling too much. At that or the following weekly meeting, a little miniature map of the camp, of perhaps six inches square, or less, was exhibited, not publicly; that is, the party did not rise and call particular attention to it, but it was handed around.

(The map marked "Government Exhibit A A" was then handed to the witness.)

Q. State if that was the map handed round.

A. This is not the one exhibited; it was a much finer piece of work, and was a correct representation of Camp Douglas.

Q. Who exhibited it?

A. I do not know his name; I only knew the name of a few; it was shown by a gentleman whom I had never seen, but I was told afterwards that he had been a soldier in the army; which army I did not learn. He was perhaps thirty years of age. That was at the meeting of the 25th of August, or the next one following.

Q. Was Judge Morris present when the map was exhibited?

A. If it was on the 25th of August, he was most likely present; but my impression is that it was the week following.

Q. Who spoke upon the release of the rebel prisoners?

A. Several. Doolittle made the principal speech; among others was Mr. James Rock, one of the attachés of the Times—the commercial editor, I understand. I furnished the names of the speakers to Colonel Sweet.

Q. What was said about the control of the prisoners after being released?

A. Some parties in discussing the matter took the ground that while their services would be valuable, it would be dangerous to release them, as they could not be controlled after once being released.

Q. Did they attempt to meet that difficulty?

A. I do not think they did, though it was one of the objections held out.

Q. Did any members of the order join themselves to any other political organization?

A. It was their aim to get as many as they could to join the Democratic Invincible Club, and it was the policy to get officers in the McClellan Club; the object being that when the uprising took place, (uprising being the popular term with them,) we would have better control; it was better to control than to be controlled. It was generally understood that the order was to supply the brains and they the muscle.

Q. Did you learn what took place on the 27th of August?

A. On that day immense numbers of people came in by every train, and many in wagon trains; a train of wagons, some 300 in number, of armed men, was represented as being on the way on that day, from one county alone, to the city, and that these men had sworn that there should be no arrests made in Chicago during the convention. This was information given to me previously by Mr. Rand of the Tribune; he is not a member of the order, but he belongs to the same fraternity (masonic) that I do; he was to assist me in helping to break up that conspiracy.

Q. Did you learn it from any other source?

A. Also from Mr. Robert Alexander, who was my assistant in this matter.

Q. How did he get the knowledge?

A. He was directed by me to watch the avenues to the city, the depots, &c., and keep me advised as to the influx of visitors, their appearance, &c.

Q. Did you see any strangers armed?

A. Yes, sir; some appeared on the street with shot-guns; judging from their appearance they were strangers.

Q. About what number of that class of people do you think there was?

A. I could not say; the city was fuller than I had ever seen it before. This was on Saturday, the 27th of August.

Q. Did you learn anything in relation to the distribution of arms by Charles Walsh? If so, what, and how did you learn it?

A. On Tuesday, the 16th of September, Mr. Phelps, who resides on State street, and who became a member of the order, but has no sympathy with it—he he joined the order to assist me in some special service—

(Testimony objected to by E. G. Asay, esq., as hearsay evidence.

The court was then cleared for deliberation. On being reopened the judge advocate announced that the objection was overruled, and the witness would continue his statement.)

Witness: Mr. Phelps stated to me that he had been applied to by Charley Walsh, as he called him, to know if he had a secure place where he could store a couple of boxes of arms; he said they were very snugly packed, and would defy all scrutiny. Mr. Phelps firmly declined the application.

Q. Was anything said as to other parties to whom he had applied?

A. He stated that he had made other deposits in different parts of the city, with those who could be trusted.

By the COURT:

Q. Are you acquainted with Mr. Phelps?

A. I was considerably acquainted with him, but had but little conversation in reference to this order of Sons of Liberty. It was from my general acquaintance that I regarded him as a good man—that I consented when he suggested the thing to me. A man has to appear as sponsor or voucher for a person that desires to enter the order, before he can be admitted, and it was in that capacity that I acted for Mr. Phelps.

Q. Did you advise him to become a member of the order?

A. No, sir.

Q. Did you advise him not ?

A. No, sir.

Q. Did you give any opinion as to the character of the organization ?

A. No, sir ; I did not advise him either way.

Q. How did he come to join ?

A. He did not join at my request, but asked me to propose his name there. I thought it best to put his name down, as I knew him to be an excellent man, and one who would do what was perfectly right. That is how he came to join,

Q. Then he did not join it for the purpose of revealing, did he ?

A. No, sir ; he does not to this moment dream of doing anything antagonistic to the order.

Q. When was the next meeting of the order after that conversation ?

A. The conversation was on Tuesday, the 16th, and I think the meeting was on the 18th.

Q. State whether during the time you were in the organization you kept minutes by which you could fix dates.

A. I did, sir.

Q. State what took place at the next meeting after that conversation, whether any speeches were made, and by whom, and if you saw any of the defendants at that meeting.

A. Mr. Geary was present ; I do not remember that I saw any of the defendants or not ; I cannot fix dates without a reference to a memorandum which I have in my pocket ; that which I have is a transcript of the notes I took at the time. Judge Morris was present and made a speech on the Thursday evening following the conversation with Mr. Phelps ; that was on the 18th of September. I know that my despatch to Colonel Sweet was dated the 19th, and it recorded the meeting on the evening previous.

Q. State what was said by Judge Morris at that meeting.

A. He made some remarks to those who were initiated on that occasion, and others ; I think he was called upon at that time to do so ; he said that we had some eighty thousand members of the order in Illinois, and that they were all well armed and disciplined ; that he had not as much confidence as many of the democratic brethren in "Little Mac's" election, but he did not care a fig for the presidency, if we could elect a governor and lieutenant governor. (Judd, I think, was one.) That he felt pretty certain that Kentucky and Indiana would go with their party, and with this power we would be admirably prepared, and could wrest the government from the present authorities, and that he was therefore indifferent as to who might be President.

Q. How did he speak of the government ?

A. He spoke of the President as an usurper, which was very common. He spoke of the soldiers as Lincoln's hirelings.

Q. Did he use that expression that evening ?

A. I have no doubt he did, but I would not swear to these words being used by him that evening.

Q. State what was said about the arrests.

A. He stated that he had that very day heard that Gray had been "spirited away" by the abolitionists ; that the democrats had assembled and given notice to the abolitionists that unless Gray was forthcoming immediately, their houses would be burned. He said this was right, and that he hoped the same spirit would prevail among the brethren in Chicago.

Q. Did he state that the 80,000 in the State were all ready ?

A. He said they were all ready at an hour's notice ; that they were all armed and well drilled ; and that there were 80,000 members of the order in the State of Illinois.

The commission then adjourned to meet Thursday, February 9, 1865, at 11 o'clock a. m.

COURT-ROOM, CINCINNATI, OHIO,
February 9, 1865—11 o'clock a. m.

The commission met pursuant to adjournment. All the members present; also the judge advocate, the assistant counsel, the accused and their counsel. The proceedings were read and approved.

The examination of I. WINSLOW AYER, a witness for the government, was then resumed as follows:

By the JUDGE ADVOCATE:

Q. Did any further matters of interest take place at that meeting?

A. It was further stated by Judge Morris that in the course of 1864, the purposes for which this organization was formed would be fulfilled. That meeting was on the 18th of September, 1864, or near that.

Q. Do you remember any meeting on the 2d of September?

A. There was one on or about that time; it was voted by the Temple, then in session, that any members that were not armed should be required to arm themselves forthwith, and that it should be the qualification of any new-comers that they should be armed with fire-arms.

Q. What action was taken with reference to the draft?

A. It was proposed to pledge the order in direct resistance to the draft, and a discussion ensued.

Q. What was the result of that discussion?

A. During the discussion it was claimed that the order, in the city, was not strong enough, and that it would be inexpedient, when the speaker was rebuked by its being said that there were some 80,000 in the State who could be called at an hour's notice; but the discussion was brought to a close by the Grand Seignor stating that if any of the brethren were drafted, and gave notice of the fact within three days, they would be taken care of; that there were means existing to that end; Mr. James Wilkinson said this.

Q. Who made speeches upon the subject of the draft?

A. Robert Alexander, Mr. Silver, and others whose names I do not now remember.

Q. Was anything else said about the draft?

A. During the discussion it was said that the organization had a higher mission than resistance to the draft; namely, that ultimately it was to seize the government.

Q. Who of these prisoners at bar were present that evening?

A. I do not now remember; Mr. Semmes might have been there.

Q. Have you any memorandum by which you can tell if either of the accused was there?

A. I have.

Q. Please refer to it and state.

A. I do not find that any of the accused were there.

Q. Was any action taken by the order with respect to the distribution of arms? If so, what?

A. Either at that meeting, or the one immediately ensuing, some remarks in reference to arms were made, in which it was stated that Col. Barrett had been authorized by the grand council of the State of Indiana to procure arms, and that he had been very industrious in that direction, and was proceeding with all possible despatch; that he had been somewhat embarrassed by the seizure of arms, but that he kept still; that he very much condemned the action of the copperheads in that region; their being so open was giving the State to the Union; that is, the openness with which the Sons of Liberty were conducting their business.

Q. Was a committee appointed at any time to look after the distribution of arms?

A. Yes, sir; a committee on fire-arms was appointed, consisting of Charles W. Patten, as chairman, Robert Alexander, and another whose name I do not remember.

Q. Was any offer made by any member to supply arms?

A. Patten, as he had frequently done before, said that those who were unable to procure arms would, on application to him, be supplied with pleasure.

Q. Did all the members of the order in Chicago attend these meetings?

A. No, sir; but very few of the members were in attendance at one time; this was by arrangement; it was thought it would cause suspicion for too many to go in at one time, and in that connection I made inquiry why I did not see some prominent democrats there. My informant spoke of S. S. Hayes, comptroller of the State; Dick Merritt, and mentioned the names of prominent men of the order, and when I remarked that I had not seen them in the hall, he said: "We are too smart for that; we have men to go out of the city to join other Temples, but while they are in full fellowship with us, they do not show themselves at our meetings." Very few of the same members appeared every evening; there were new faces almost constantly.

Q. Was it stated whether or not any members of the army had been induced to join that organization?

A. It was a subject of boast that many who wore Uncle Sam's uniform were among our friends; they did not state who those friends were.

Q. Were any persons there whom they claimed as friends?

A. It was said that the rebel prisoners in camp were our staunchest friends.

Q. Was the Mr. Robert Alexander you spoke of, the same that testified before this commission?

A. Yes, sir; he joined the order by my special request. I knew him to be an officer, a third lieutenant, I believe, and after stating to him my object, which was to break up this northwestern conspiracy, I asked him to join the order; and after a good deal of talk, in which he said it was a quixotic expedition, he finally consented and was a valuable auxiliary.

Q. Did you say that Phelps joined at your request?

A. In one sense it was, but in another sense it was not. I did not request Phelps to join; I requested the order to receive him. I did request Alexander to join, before he went into the organization, and before he knew that such an organization was in existence.

Q. What was the feeling in the order upon reports of Union victories or defeats?

A. A Union defeat was the signal for great rejoicing, and it was quite common to hear expressions of admiration at rebel victories.

Q. Did you learn from the organization by what means they were to protect drafted men?

A. I did; at one time the subject of the draft agitated them all considerably. Mr. Alexander asked what arrangements had been made to protect drafted men, as he did not wish to go if he was drafted. He was told that ample arrangements had been made; that they would be sent to the south part of the State, where they were strong enough to defy the government, and that they would be wanted by and by.

Q. State if the map was exhibited at that meeting when Doolittle made his speech.

A. It was then or at the next meeting; it was about the 23d of September or the 1st of October.

Q. Who succeeded Mr. Wilkinson as Grand Seignior?

A. Obadiah Jackson, junior, esq., a lawyer in Chicago, of the firm of Jewett, Jackson McAllister.

Q. Were you, at any time, admitted to the secrets of the grand council degree ?

A. I was informed of the secrets of that degree in an irregular manner.

Q. How ?

A. After the adjournment of one of our meetings, I met Mr. Morrison, (who was somewhat fond of whiskey ;) as we were going down stairs, he remarked, that he wished I was in the grand council. I asked him if he knew the fact that I was pretty well posted up in these secrets.

(The testimony was objected to by E. G. Asay, esq., on the ground that it was hearsay testimony, and therefore illegitimate.

The court was cleared for deliberation. On being reopened, the judge advocate announced to the accused that the objection was overruled.)

The witness continued : Morrison remarked that he would tell me on the square. We talked perhaps for an hour in reference to the matter ; he remarked that it was a part of the plan to take Camp Douglas the night after the election, and that they were to kindle fires in different parts of the city to divert attention. That it was a part of their policy to get their men on the railroads and into the telegraph offices, and that we had a pretty good number there already. Sundry information of that character was given by him. I had a conversation with Mr. Wilkinson, I think the same night, and I asked him into my office about this very thing.

Mr. Wilkinson was a member of the grand council. I stated to him that I had had an interview with Mr. Morrison, and that I knew the doings and what they proposed ; and asked him why they were so secret, and why other members in the order did not know the facts we knew. After some talk he verified other facts that Morrison had communicated, and related other details. He said that after the liberation of the prisoners from Camp Douglas, these men were to form the nucleus of an army.

Q. What was the army for ?

A. I do not remember that he stated what this army was for. He further remarked that we had arms for about ten thousand men, or ten thousand stand of arms, but he did not state where. He said there was to be an invasion from Canada ; that there were commissioners there, at that very moment, and that they counted on very valuable aid from them.

Q. What date was this ?

A. I think it was about the first week in October.

Q. What did he say about the attack on Camp Douglas ?

A. He said there would be no difficulty ; he said the camp was weak, and would very readily fall, and that our success there was a certain thing

Q. State if this question of the attack upon the camp, and the uprising, came up in any way publicly before the order ; and if so, did the members assent or dissent, as far as you could observe ?

A. There was a discussion upon that point, and it was feared we could not control the element, when it was once set loose.

Q. Was anything said about the time of the uprising in reference to the election ?

A. Yes, sir ; in explanation why the uprising did not occur on the 14th or 15th of August, which was understood to be the time when it was to occur, the reason stated was, and why it did not occur afterwards at the time of the convention, when it was set down for, was the relative position of Grant's and Lee's armies.

Q. Were any of the members in favor of immediate action ?

A. Mr. Wilkinson said there were many in the grand council in favor of immediate action. There was no dissent upon the subject of the uprising ; it was universally understood that the uprising was to take place, and all agreed upon that point.

Q. Which was to be taken possession of first, Chicago or the camp ?

A. It was deemed first important to take the camp. Its geographical position made it paramount to all others to take Chicago first ; the first move was to be on the camp.

Q. Do you remember who made the statement respecting the firing of Chicago ?

A. This information I learned in private talk from Mr. Wilkinson, who was a member of the grand council. Mr. Morrison was also a member of the grand council ; Mr. Morrison was Ancient Brother ; Mr. Wilkinson was Grand Seignior.

Q. Was anything said or done in the order about the destruction of papers of the order ?

A. It was remarked that Colonel Sweet must have received some information as to our doings, for the provost guard had been greatly increased, and it was expedient by all means that we destroy our records ; this was about the middle of October. Secretary Dooley was ordered to destroy all the papers, with the exception of the names of the members, and the amount due.

Q. Was this generally understood ?

A. It was understood from Dooley that this had been complied with.

Q. Who was in the chair when the resolution passed ?

A. I think Mr. Wilkinson.

Q. Do you remember the date of the change of Seigniors ?

A. If I remember rightly it was October 20th. The reason of that change was that Mr. Wilkinson was deemed too young a man ; they wanted a man of greater experience, a man of character and position, who had full fellowship with the order. That man was allowed to be Obadiah Jackson, jr.

Q. How long had he belonged to the order ?

A. I could not tell ; I think he was elected about October 1st, but he did not appear for installation until about the 20th.

Q. Had he attended any sessions of the order before October 1st ?

A. I never had seen him prior to that date ; on the evening of his installation he made a lengthy speech stating that he had full fellowship with the order, and pledging himself to aid in carrying out the good cause.

Q. Did he designate what the good cause was ?

A. He did not, if I remember.

Q. What position did Colonel Barrett hold in the order ?

A. He was our major general, and had command of the district of Illinois ; the subordinates were to report to him.

Q. Where did he reside ?

A. He was at one time in Chicago, and afterwards moved to St. Louis. I saw him in Chicago at the time of the democratic national convention. He was at the head of a small squad of men with illuminations.

Q. Were they members of the order ?

A. A good many of them were.

Q. Did you learn what duties Barrett performed as major general.

A. My information is too indefinite for me to state. It was generally understood, though, that he had the full control of all these men.

Q. I think you have stated that a General Barrett furnished arms ; is this the same person ?

A. Yes, sir.

Q. Did you learn where he procured these arms ?

A. I did not.

Q. Did you learn where the funds came from ?

A. A part of the funds were raised by subscription of the Temples in various places. Our Temple raised \$200 as their share.

Q. Was that raised by subscription or initiation fee?

A. I do not know, as it was before my time. One of the members suggested that \$60,000 was too large a sum to be placed in the hands of any one member, and wanted some inquiry to be made about the matter; but we were informed that we need not be alarmed, as we had paid a very small portion; some \$200.

Q. Who informed you in reference to Barrett?

A. I had a conversation with Mr. James Geary about it; and it was afterwards mentioned by Mr. Charles Patton, who sometimes officiated as Grand Seignior.

Q. Can you recollect any other conversation with Geary about Barrett?

A. I do not think I could.

Q. Was there anything said about the seizure of arms in Indiana?

A. It was said that it embarrassed him considerably, and that he was keeping still to avoid suspicion. They all had great faith in him; Mr. Patton expressed his entire confidence in him as a military man.

Q. When was the last meeting you spoke of?

A. About October 17 or 18; I cannot recollect exactly.

Q. Do you remember a session of the Sons of Liberty on or about the 3d of November?

A. I do, sir.

Q. Do you remember anything that took place at that meeting?

A. It was on Thursday evening, our usual meeting night; it was suggested by somebody that he had been requested by Charles Walsh to call a special meeting, prior to the election, as he had some important communications to make.

Q. Who made that suggestion?

A. I do not distinctly remember.

Q. What was done at the meeting of November 3?

A. I do not remember.

Q. Do you remember whether Semmes said anything, or was present?

A. He may have been present, but I do not remember that he said anything. I think he knew very little about it anyhow.

Q. Was any special meeting arranged for that night?

A. Yes, sir.

Q. Where was it to be held?

A. At the Invincible Club hall, where the Invincible Club held their meetings. That was an organization formed for campaign purposes, in which some of our members were captains. They were to meet at their rooms on Sunday evening, the Sunday following November 6. They met about 9 o'clock p. m. There may have been one hundred present, perhaps more; I did not count them; it was a pretty full meeting.

Q. State, as near as you can, what took place at that meeting.

A. Obadiah Jackson, jr., presided; Mr. Dooley, secretary, was present. Mr. Jackson said the meeting was called for an important purpose. After some minor talk by different ones, a Mr. Remington (I was informed his name was) rose, and remarked that he had seen a large number of persons in the city with butternut clothes on, and had followed them in various directions, and was satisfied that they were brought there by the republicans to vote the Lincoln ticket; for his part, he intended to watch them, and he hoped that all the rest would, as he intended there should be no fraud at the election; he wanted a fair election. Mr. Wilkinson got up and remarked that he need not give himself any concern on that point; that it was all right, as he knew about it. Mr. Hull rose and said he did not know why Wilkinson was authorized to get up and say it was all right; that these butternuts should be present to vote for Lincoln, and he wanted information. Mr. Wilkinson said that if he wanted information,

he would state that he himself brought sixty there, and that ought to be quite sufficient for Mr. Hull's curiosity. That he had been west, and was just going east; (those were terms used in the order signifying that the person had been all around.) After Wilkinson sat down, Hull stated again that he did not know why Wilkinson should know all about these things and he nothing. One or two others spoke to the same effect, some saying they did not know anything about it. Then Walsh arose, and said that he himself had ordered these men to report in Chicago; that he had ordered several hundred men to report in Chicago; that many of them had already arrived and others were coming; that he had brought these men to vote, and to fight; and that they would "vote early and vote often." I do not remember anything further of his speech at that time.

Q. Did that explanation seem to satisfy the gentlemen who did not know anything on the subject?

A. It seemed to be quite satisfactory.

Q. At that meeting was there anything said or done about the arms?

A. There was. An examination was immediately proceeded with, to see how many were armed, and who were not armed, if any. It was found that most of them were armed. It was then stated that if any parties present were unable to procure fire-arms, they could now send in their names and they would be supplied. I believe I was one of the number who had not any arms. Quite a number put in their names; they were received by Mr. Jackson, and then the parties were supplied. Those who were supplied presented specimens of guns, &c., showing how far they would shoot; numbers of revolvers were shown, mostly pistols; some were large-sized revolvers; the larger kind were more generally approved. It was then stated that if any parties were not supplied, they could be by Mr. Geary, at his house, which I think was on Wells street. This was the arrangement for the time being, but Mr. Geary finally rose and said that he was already suspected, and that it would not be expedient to have these arms sent to his house; and he suggested that some one else take charge of them; he was willing to take a few, but he did not want so many. It was finally arranged that James A. or H. Hubbard, the secretary or treasurer of the Invincible Club, should receive them, and we were all to go to his house on Monday morning and be supplied by him.

Q. Did you get any arms?

A. No, sir; the office was not open at 9 o'clock; Mr. Hubbard informed me that there had been some arrests made during the night. I do not know when the arrests were made; I was informed of it about 9 o'clock, as I came down to the office.

Q. Was anything said on the evening of the 6th with reference to the part that Mr. Walsh was to perform, what his duties were to be, and what he was then doing?

A. It was discussed at length how we should know these parties with the butternut clothes. It was finally arranged that all outside should wear a McClellan badge directly on the opposite side of the breast from which it was usually worn, so that we might know each other. It was also arranged that some fifty or one hundred men should be stationed in each ward (I think we have some fifteen wards in the city, though I am not sure) on election day; and it was suggested that Mr. Walsh be requested to have orderlies go through the wards and report to him; when one of the members arose and remarked that it was quite improper to instruct Mr. Walsh in regard to his orderlies; that he was fully competent to manage his own business in his own way.

Q. Did you have any conversation with members of the order, or were you present at any of the meetings of the order after the arrests in which the subject of the depository of arms came up?

A. I was.

Q. What was said on that subject?

A. After the arrests we had frequent meetings but only one in the hall we had usually met in; not deeming it safe to meet there, we met at any place we could. At one of these meetings it was arranged we should get the arms out of the way, just as quick as possible, lest they might be seized. Vigilance committees were appointed for this purpose; I was on one of the vigilance committees, and agreed to see that the arms were properly cared for, which I did by giving Colonel Sweet notice that he would find arms in Charles Walsh's barn.

Q. What was said as to a change of the depositories of arms?

A. It was said, after the arrests, that some of the arms had been found, but fortunately but a very small portion of them. These depositories were changed; some of the arms were at Brighton, a suburb of Chicago, but these also had been got out of the way.

(E. G. Asay, esq., objected to statements made subsequent to the arrests and to transactions subsequent to the acts charged against the accused.)

Q. What took place at the meeting after the parties were arrested; what was said about the change of the depository of arms?

A. There were no set speeches made on the occasion; everybody had something to say for the good of the cause. It was remarked that there had been arms in some fourteen or fifteen places, and they were very fortunate that so few of them had been found.

Q. Please give the names of any members who made these statements.

A. Among those who were quite prominent in that matter was one James Rock, one of the attachés of the Chicago Times; he was more prominent than any other member in speaking of the change of the places of arms, saying how admirably it might be done; he said a great many of the pistols could be carried away under the crinoline of the female portion of the family; he remarked that his wife was quite smart in that way.

Q. What was said, if anything, about the rescue of the prisoners?

A. The attempt to rescue the prisoners was carefully discussed.

(Objected to by E. G. Asay, esq.)

Q. What was said, at any time, about the Irish element of the city being in favor of the order?

A. There was considerable said at various times. At one meeting it was remarked, in reference to Mr. Geary, that he could, by a wave of his hand, control a hundred Irishmen in the sixth ward (there being quite a number in that ward,) and that they would not stop to ask any questions.

Q. Was that said at one of the public meetings?

A. Yes, sir; I do not know that Mr. Geary made the remark, though I cannot say that he did not.

Q. Was there ever any action taken by the order, as an order, to find out the secret intents and purposes of the organization. If so state when, and what was done.

A. There was, after these arrests were made. We were in a dilemma to know what was to be done, and so despatched a messenger to Lewiston, to S. Corning Judd, who was the grand commander of the State, I believe. We sent Strawn to find out, and he was to report to us. In September, a committee was appointed to find out the purposes of the order. Mr. Rock, Mr. Alexander, Green, and another whose name I forget, were on that committee of inquiry. There were quite a number of novitiates who had come in, who knew nothing of our plans, and who wanted information; that led to the appointment of this committee. I nominated Mr. Alexander, and he was appointed on that committee. We found they were unable to give us any information on that point. There were intimations repeatedly thrown out by Mr. Charles W. Patton, that we

might rest fully satisfied that there were those above us who could arrange all details.

Q. Did Judge Morris at any time take upon himself the task of explaining the purposes of the order? If so, what did he say?

A. Mr. Patton said that there would be a party present at a future meeting who would give us the information we desired. That statement, if I remember rightly, was made five or six weeks before the election. At a meeting held soon after, Judge Morris appeared among us, and when the usual business was got through with, Judge Morris was called upon to make a speech.

Q. What did he say in that speech?

A. Many of his speeches were quite similar. Speaking of the general tyranny and despotism of the administration, he remarked that our rights had been trampled upon, the Constitution had been trampled under foot—citing certain instances where the Constitution had been violated by one who had sworn to carry out its provisions, &c.; he referred to the *habeas corpus*, remarking that many of our best citizens were torn away from their families, while charges were not preferred against them, and they were now rotting away in Lincoln bastiles; that it was the duty of the democratic party to rise in opposition to this; to wage a war against the Lincoln bastiles, and open their doors; that if the democrats were once in power, they would impeach or arraign Lincoln for the non-fulfilment of his duty, and that he would be convicted and perhaps hung. Speaking of men who had been arrested he said, "Some of our very best, and thousands of brave men, at this very moment in Camp Douglas, are our friends; who, if they were once at liberty, would send the abolitionists to hell in a hand-basket." He remarked that the meanest of those prisoners (I am duly giving the substance of his language) was purer itself compared with Lincoln's hirelings.

Q. Who did he designate as Lincoln's hirelings?

A. We understood it as meaning the Union soldiers.

Q. Is that the usual manner in which he designated them?

A. Yes, sir; I believe I have given the substance of his speech.

Q. Did he designate how those "friends" in Camp Douglas were held?

A. If he made any statements of that kind, I do not remember them; I have my impression on that point, however.

Q. Was there anything said as to how they were separated from the members of the order?

A. I do not remember particularly.

Q. Has the balance of the judge's speech been designated by another witness?

A. In a Chicago paper, in the testimony of one of the witnesses before the commission, he stated that the judge said he would "give the abolitionists hell under their shirt-tails."

Q. Did Judge Morris say that?

A. He did.

Q. Who did he say it about?

A. He was speaking of the abolitionists, and said when the prisoners were at liberty, they would give the abolitionists hell under their shirt-tails.

Q. How did he usually designate the President of the United States?

A. I heard him speak of him as a usurper, and as Abraham the First. He said that the tyranny of Abraham the First was fast running to a close; and those anxious to fight would not have to wait long.

Q. Was anything said by Judge Morris about retaliation?

A. He mentioned this subject two or three times in that speech, and also when he spoke of Gray being spirited away, and was generally in favor of retaliation.

Q. Did Geary hold any position with reference to prisoners of war?

A. Yes, sir; there was a standing order for him to supply any escaped rebels with clothing; and I remember one time after we had adjourned, and were com-

ing down stairs, we were called back, and he stated that he had three rebels secreted, that they wanted clothing and he wished us to subscribe. Quite a number, almost all I believe, subscribed something; though some of the money I believe has not yet been paid. Mr. Doolittle advanced the money, some \$35 to \$40, which was to be made up to him.

Q. Do you remember who subscribed to that fund?

A. Mr. Hull was one; I did not give anything myself. I believe Mr. Strawn was there, also Morrison, and I think Louis Binns, a liquor merchant in Chicago; he used to make speeches to us frequently. I do not remember that any of the accused were there.

Q. What was the penalty of the order for revealing its secrets?

A. Death.

Q. Was there any action or practice showing that that was the penalty?

A. In speaking of the exposures of the secrets, it was said directly and repeatedly that whoever dared expose them in any way, shape, or manner, should suffer death, and that every member of that organization was pledged to perform the will of his superior officer.

Q. Was any action ever taken with respect to persons who had divulged the secrets of the order?

A. After these arrests and seizures.

(Testimony objected to, and question withdrawn.)

Q. Do you know the date when the subject came up?

A. Within one or two days after the arrest of Judge Morris and Mr. Walsh.

Q. What was the character of the exposure to which you have referred?

A. It was stated that some one had revealed the action of the Sons of Liberty. Mr. Hull was singled out as the one, and his deliberate murder planned for revealing the secrets of the order.

Q. What were those secrets which it was claimed he had revealed?

(Question objected to as calling for testimony which is immaterial and irrelevant. The court was then cleared for deliberation. On being reopened, the judge advocate announced that the objection was overruled.)

A. The disclosures in regard to fire-arms, and the general purposes of the organization, and it was determined that any one who revealed the secrets in any way should suffer death.

Q. Who were suspected?

A. Suspicion finally fastened upon Hull. This was at a meeting subsequent to the 6th of November. Hull had made himself odious in proving himself a loyal man; he had opposed the revolutionary schemes, and did not believe in this revolutionary arrangement; he said it was not a democratic party. He had therefore become unpopular, and suspicion readily fastened upon him; almost without exception it was conceded that he was guilty, and, being guilty, it was decided that he should suffer death. The members generally acceded in that. We were questioned individually with respect to our views upon his being put to death, and I replied that when I was satisfied that he was the party that had given the information, I should interpose no objection.

Q. Did any present agree to do this work?

A. Yes, sir; Felton and Morrison agreed to do the deed. Another proposition was afterwards made; Mr. Rock voluntarily offered to do the deed. Mr. Rock as much as stated this to me; he said in my hearing that it would prejudice the community against him if it were known that he had approved, or that he himself would undertake the murder of Hull. He brought a friend to my office before I came down here to testify. After Alexander had been upon the stand, his testimony, which appeared in the morning papers, left me under a cloud; it appeared that I was a *bona fide* member, and not that I was acting in the character in which I really was; and in the evening papers he stated that the relation I held was that of a detective. Next morning I found Mr. Felton and

Mr. Rock in my office. Rock asked me if I had seen the testimony in the morning papers; I replied, I had not. He said, "Alexander is making strange statements, and I hope you will exonerate yourself, and say that you were not in the capacity in which Alexander represents you to have been." I replied, "I shall be able to tell the truth;" to which he rejoined, "If the things Alexander says are true, you had better a thousand times be Charles Walsh than Dr. Ayer." He said he had that morning conversed with two or three of the most desperate men of our Temple, and you know, he said, "they are pretty desperate sort of fellows." I said, "I am pretty well aware of that fact." He continued, "After our conversation with those men"—and then the conversation was interrupted, and he went away.

Cross-examination by T. M. KEYS, esq., on the part of the accused, Semmes :

Q. Prior to the arrests that were made on the Sunday night preceding the election, and the publication of this alleged plot, did you ever hear Semmes say anything, public or private, in regard to any plan to take Camp Douglas and release those prisoners, or allude in any way to any such scheme?

A. I cannot say that I ever heard Semmes use any such language. My impression was that Mr. Semmes knew but very little about the matter.

By Judge WILSON :

Q. Did you not state that you were satisfied, after examining into this order, and before you joined it, that it was treasonable?

A. No, sir; I did not so intend. I said I had my suspicion strongly excited, and that Mr. Arnold advised me to fully satisfy my curiosity.

Q. When were you satisfied that it was treasonable?

A. I understood it at once; that is, immediately after joining.

Q. When for the first time did you make up your mind that the organization was treasonable?

A. When I first read that paper, and heard a part of the conversation of those parties to which I have referred.

Q. When did you take the oath initiating you into the order?

A. I do not consider that taking an oath; I never considered that binding based upon fraud, and upon crime, according to the best of my judgment.

Q. Did you not take an oath so considering it based upon fraud?

A. In getting into this concern, we were called upon to pronounce our names, and the Ancient Brother proceeded to read to us an obligation which we are supposed to assent to, and it was customary for us to say, "I do," or nod the head. I never spoke one word.

Q. Did you take the oath in the same manner that Phelps did?

A. I did, so far as I know.

Q. Did you understand this oath when you took it?

A. I believe I did.

Q. Did you understand it to be treasonable?

A. I did.

Q. Did you understand it to be wicked?

A. I did, sir, in the extreme.

Q. You took it then with this reservation, so far as you took it at all?

A. You say I did, sir; I did not regard it as an oath at all, or as binding upon myself.

Q. Did you take the oath fully understanding it?

A. I think I did.

Q. You spoke of Mr. Alexander as belonging to some particular order; what order was it?

A. We were both Masons.

Q. Were any other of these persons of that order?

A. I have reason to believe that they were; I cannot state definitely. I have reason to believe that Mr. Phelps was a Mason, though I never took means to satisfy myself.

Q. Had you reason to believe that when he joined?

A. I do not know whether I did or not; I have never had very good reasons to believe he was a Mason.

Q. Did your reasons exist at the time he joined?

A. They might, or might not; I do not remember.

Q. When did you first have reason to believe he was a Mason?

A. I could not fix the time.

Q. You stated you believed him to be a good man?

A. I believe he was, for he left the order very soon after joining it.

Q. Did he join it in good faith?

A. I believe he did.

Q. Did you have resting upon you these same feelings of disgust, and the same idea that it was treasonable, at the time you initiated, or vouched for him?

A. I vouched for him; I always vouched for Mr. Phelps as an honest man.

Q. Did you vouch for him when he entered this order? Did you state upon direct examination that you vouched for him?

A. I will state now that I vouched for him as a most excellent man.

Q. Do you now remember whether you did not so state?

A. I do not remember further than I requested his admission then.

Q. Do you now say that you swear that you do not remember that you vouched for him?

A. I believe I said it was by my request that he joined.

Q. Will you swear that you do not remember that you said you vouched for him?

A. To the best of my memory I did not use the word vouch.

Q. Did you see any other members of this institution belonging to the order of Masons?

A. I saw others who told me that they were Masons; I remember the first night I saw a Mason.

Q. Who was that?

A. Judge Morris.

Q. Do you remember any others you saw there who were Masons?

A. None that I knew to be Masons.

Q. Did you take an active part as a member of the order?

A. I always avoided taking an active part in that order, except so far as the general good of the country was concerned. At one I did take an active part in the proceedings of that organization.

Q. Was there any obligation resting upon you, at the time Mr. Phelps took this oath and joined the order, to warn him against any danger that might arise from it?

A. I did, sir, but not at the time he joined, but after he had been in and seen its character.

Q. Did you feel that any obligation rested upon you to warn him from getting into danger?

A. I did not; I thought it would be time enough afterwards.

Q. You say you joined in good faith?

A. Yes, sir.

Q. Do you say you allowed him, believing him to be a just man, to take this obligation without cautioning him against it?

A. I was quite willing that there should be one honest man in that concern.

Q. Do you believe that there was a good, honest man there that took this oath?

A. I do, sir; the secret of this concern was that they were not admitted beyond its curtains till they were stuck.

Q. Do you believe that any honest man took the oath understandingly?

A. Yes, sir.

Q. Do you mean to say that understanding it, you could have taken it in good faith?

A. I could had I been a copperhead.

Q. Do you believe, sir, that the question of honesty and integrity is varied by the party anybody belongs to?

A. No, sir.

Q. What do you mean when you say that a copperhead could take this oath honestly?

A. Because I believe the copperheads meant to destroy the government, and I believe they were honest so far as their purposes were concerned; I mean to say that a man could act consistently in joining that concern.

Q. Did you not say that a man could join this organization honestly?

A. I meant to say consistently.

Q. Can you remember the language of that oath?

A. I could not, sir.

Q. Could you give the substance of it?

A. It was, in the main, that we would not fight against the South, or take up arms against our brethren. I could not undertake to swear to the language of the oath. It was a long rigmarole of nearly half an hour in length; it also set forth our interpretation of the Constitution, and how to support the Constitution according to our interpretation.

Q. Did they not swear that they would take up arms against any power usurped?

A. I think that was a part of the obligation.

Q. You believe, then, that Mr. Phelps had such a degree of integrity he could take that oath honestly?

A. Mr. Phelps heard the obligation read, and was disgusted with it.

Q. I asked you if Mr. Phelps could take that oath understandingly?

A. I believe he took it honestly; as to the measure of his intellect, I am unable to judge. After Mr. Phelps had been in this concern he called in my office and said to me, "What sort of a concern do you call that?" I expressed my ideas, and he agreed with them fully.

Q. Did you swear, in your direct examination, that Mr. Phelps joined the order to assist you in some special service?

A. I attempted the explanation of the part I had taken in reference to Mr. Phelps taking the oath, and so far as that goes it is strictly true.

Question repeated.

A. I might have so sworn.

Q. Did you or not?

A. I know I attempted an explanation and it was denied me.

Q. Do you not now know whether you so swore in words?

A. I do remember that I swore to something of the kind, but do not remember the exact words.

Q. What special service did you refer to?

A. The purpose I had in view was the breaking up this northwestern conspiracy. I intended to explain that I wished to have an honest man in case I wished to use him.

Q. Was it true, as you testified, that he did join the order to assist you in any special service?

A. Without any explanation, no, sir.

(A portion of the obligation was here read from the address by P. C. Wright, already in evidence.)

Q. How did you understand this at the time Phelps took the oath, "in my own country first of all?"

A. I understood it as very vague and indefinite.

Q. Who did you understand that to mean?

A. Abraham Lincoln, President of the United States.

Q. Did you understand it at the time as you do now?

A. I did, before I joined.

Q. Did you understand that this organization was to take up arms against Abraham Lincoln?

A. I did so understand.

Q. Did you so understand it at the time Phelps took the oath?

A. I have never to this moment understood it as meaning anything else.

The commission then adjourned to meet Friday, February 10, 1865, at 11 o'clock a. m.

COURT-ROOM, CINCINNATI, OHIO,

February 10, 1865—11 o'clock a. m.

The commission met pursuant to adjournment. All the members present; also the judge advocate, the assistant counsel, the accused, and their counsel.

The proceedings were read and approved.

The cross-examination of I. Winslow Ayer, a witness for the government, was then resumed as follows:

By T. M. KEY, Esq.:

Q. I asked you a question yesterday in regard to Semmes, confining it to a period prior to the arrest; I will now ask you what conversation, if any, took place on the part of Semmes, with you or other Sons of Liberty, after the arrest, as to the character of this alleged conspiracy?

A. I had several interviews with Semmes after the arrest of these parties.

(Testimony objected to.)

Q. State if Semmes was present at a period subsequent to the arrest, when there was some conversation in regard to a forcible rescue.

A. He was present; and when the subject of rescue by force was discussed, Semmes opposed it, saying that it was injudicious in the extreme, and recommended an application for a writ of *habeas corpus*, and said that he himself would make the application.

By Judge WILSON:

Q. During the time that you were engaged in this work, did you wear any badge, or anything that would show that you belonged to this or any other order?

A. I never wore any badge to designate that I belonged to that order, save that I had an acorn.

Q. Did you wear the badge of any other order?

A. I wear a badge at this moment.

Q. State whether at that time you wore any other badge.

A. I believe I wore the badge I wear to-day, namely, a masonic emblem.

(The counsel here read from the address of P. C. Wright, already in evidence.)

Q. Could you, understanding this oath as you did, as an honest man take it and join the order in good faith; and not for any purposes for which you have stated you did join?

A. I never recognized it as an oath applicable to me.

Question repeated.

A. I would not have done so, though parties who were blinded by the unnecessary verbiage of the oath might have done so.

By ROBERT HERVEY, Esq :

Q. What is your name in full ?

A. Isaiah Winslow Ayer.

Q. Are you a native of the United States ?

A. I am, sir, I am happy to say.

Q. Of what State ?

A. I was born in the State of Maine.

Q. How long have you resided in Chicago ?

A. A little over two years.

Q. Where did you reside before coming to Chicago ?

A. In Covington, Kentucky, until after the breaking out of this war, when it became too hot for us.

Q. How long had you resided there before your removal to Chicago ?

A. Three or four years.

Q. Where before that ?

A. In Boston, Massachusetts.

Q. How long did you reside in Boston ?

A. From my earliest recollections. After we left Kentucky, I removed my people to Dayton, Ohio ; I had a home there, or rather a place of refuge, personally. I was in Chicago, and intended to remove my family there.

Q. I understood you to say that you are a graduate of Harvard Medical University ; is that correct ?

A. I said I was educated at Harvard University, Boston, Massachusetts ; I was in the class of '53. The diploma I have never taken ; I passed the usual qualifications, and could have taken the degree at any time.

Q. Have you a degree from Harvard University ?

A. I have all my lecture tickets, but have no diploma from Harvard University, though I can obtain one at any moment.

Q. But you took no degree ?

A. If by degree you mean diploma, I took none.

Q. I think I understood you say that you had two diplomas from this city.

A. Yes, sir ; from the eclectic colleges, one of them was situated on Walnut street, and another college was close by here, but I do not now remember the name of the street.

Q. Can you give us the names of the institutions ?

A. One was called The Eclectic College of Medicine, and was on Walnut street, I think right opposite the Gibson House ; the other was not far distant, and was called The Eclectic Institute, or Eclectic College ; but I should be happy to produce my diploma if you would like to see it.

Q. I understood you to say, did I not, that having occasion to meet Dr. Winter, you were informed by him of the existence of this association ?

A. Yes, sir ; that was in the winter of 1863-'64 ; I think as late as February, though I am not positive as to the date.

Q. Was Dr. Winter then a member of that association ?

A. He said he was a member of a secret association of a democratic character, and he indirectly invited me to become a member of it ; for that purpose he placed in my hands a printed paper of the character that has been put in evidence here.

Q. Did you not state that upon reading that you determined not to have anything to do with the organization ?

A. After reading it I threw it into my secretary, and thought I would have nothing more to do with it.

Q. Where is your office in Chicago ?

A. In the McCormick building, at the corner of Dearborn and Randolph streets. The hall of this organization was then in the same building.

Q. I think you said you heard some conversation among the members of this association, in the hall of this building, and that overhearing this induced you to go into it?

A. Yes, sir.

Q. Had you gone into the organization before seeing Mr. Arnold?

A. I think not.

Q. Did you join before seeing Mr. Rand, of the Tribune?

A. I am not positive; it was about that time that I became connected with it.

Q. Did you join the organization for the purpose of developing its secrets, in consequence of seeing the gentlemen named?

A. I joined independently; had I not seen either of these gentlemen I should probably have done just as I have done; it was not in consequence of seeing them.

Q. Did either of them advise you to become a member, in order that the secrets of the order might, through you, become developed?

A. No, sir; but Mr. Arnold advised me to satisfy myself, because I was exceedingly sceptical.

Q. Did you know of any way in which you could acquire the information you desired, except the mode you took?

A. I did not.

Q. Then you joined the order and assumed the obligation which members assumed, for the purpose of developing the secrets, did you?

A. For the deliberate purpose of exposing treason to the government, if it existed; but I resolved at the same time that if I found it a loyal organization, on no account to betray any of its secrets.

Q. I think you say that when this paper of P. C. Wright was shown to you, you thought it treasonable; did you?

A. Yes, sir.

Q. Who vouched for you when you joined the order?

A. Mr. Doolittle.

Q. Did you tell Mr. Doolittle that you desired to become a member?

A. Doolittle came to me as a committee to examine my loyalty on that point, to see if I was of fit material to join.

Q. Had you previously to that signified your desire to become a member?

A. I had previously seen Dr. Winter, and told him that I would like to become a member of the order; and it was at his suggestion that Doolittle came to see me.

Q. Was Dr. Winter a *bona fide* member of the order at the time?

A. I believe he was; he so stated to me repeatedly; when its purposes appeared to him, he expressed his surprise and utter disgust of the whole concern.

Q. How long was it before that he had assumed the obligation?

A. I could not tell. I think he was not at the meetings more than once or twice during the time I was connected with it.

Q. When did you become a member of the organization?

A. I think about the 1st of July of last year; possibly a few weeks before.

Q. Who was the Grand Seignior of the order at the time you became a member?

A. The person who was in the chair acting Grand Seignior was Judge Morris.

Q. Who was the regular officer at that time?

A. I learned that his name was Cassil.

Q. Do you know how long this man Cassil remained in the office of Grand Seignior?

A. We had our election semi-annually.

Q. Was Mr. Patten a Grand Seignior?

A. I have seen him in the chair repeatedly; and I have seen Mr. Morris as Ancient Brother. Mr. Wilkinson was Grand Seigneur during a portion of the time I was connected with the order.

Q. How long after you became a member was it that you first gave information in relation to it to any of the federal authorities?

A. I think the first week I was connected with it, and I was in almost daily or weekly communication with the authorities. I only communicated such facts as in my judgment were treasonable.

Q. To whom did you communicate them?

A. To General Payne, and by his instructions to Colonel Sweet, commandant of the post; I communicated with Colonel Sweet perhaps within two or three weeks after I became connected with the order.

Q. What was the first communication you made to Colonel Sweet?

A. I think it was about the election in August, but I am not positive.

Q. You may refer to your notes.

A. I have not got them here.

Q. Where are they?

A. They are with Colonel Sweet.

Q. What was the memorandum to which you referred yesterday?

A. Simply disconnected words, such as "Judge Morris," "speech," and date.

Q. Is that memorandum the same as that which Colonel Sweet has?

A. It is not the same, but it has the same substantial facts.

Q. Can you state from memory the tenor of the first communication you made to Colonel Sweet on the subject of this order?

A. I do not know that I can recollect the first I sent, nor the order in which they were sent.

Q. When you first went to the order, do you say that you found Judge Morris there?

A. Yes, sir.

Q. Did he make a speech on that occasion?

A. He took his part assigned him in the role of initiation; I do not remember if he made a speech.

Q. When did you first hear Judge Morris make a speech in the order of Sons of Liberty?

A. The first that I took cognizance of that was so remarkable in its character was on the 25th of August. It was near the usual semi annual-meeting.

Q. Were you in the habit of attending the meetings of this organization with regularity?

A. I was there almost every meeting; I think I was present at every meeting.

Q. Did you take a prominent part as speaker in the proceedings of that organization?

A. On one occasion I did, which I would like to explain.

Q. Did you not make a speech on more than one occasion?

A. I did; perhaps two or three times.

Q. Will you state that you did not speak more than two or three times?

A. I will not state that.

Q. How often did you speak as near as you can remember?

A. I only spoke two or three times.

Q. Do you mean to state that two or three times is the most that you spoke outside of mere routine business?

A. Yes, sir; I never made a set speech in my life.

Q. What do you call a set speech?

A. The address which we were appointed to deliver.

Q. On occasions when in the ordinary course of business, how often do you think you addressed the assemblage?

A. Very likely I have spoken three or four times ; I might and might not.

Q. Did you ever in any speech, which you made in that order, announce yourself as opposed to the policy of the present administration ?

A. Invariably at that date and prior to that time I announced myself as a Union democrat, not as a copperhead.

Q. Did you ever express yourself as opposed to the policy of the existing administration ?

A. Exactly ; I have done so.

Q. Did you ever in making a speech draw the attention of the members of the order to the fact that you considered that the President had been guilty of infractions of the Constitution ?

A. I am not conscious that I ever made any such statement.

Q. Do you remember ever stating in that order that Mr. Lincoln, the President of the United States, had been guilty of infraction of the Constitution ?

A. I do not think I ever made such a statement.

Q. Did you ever, in any meeting of that order, state that Mr. Lincoln had desecrated the Constitution by making arbitrary arrests of citizens ?

A. I may safely say, no, sir ; I have several times expressed my regret at these things—expressed myself as a Crittenden man.

Q. Did you ever, in a meeting of this organization, express yourself, as a member of the organization, that Mr. Lincoln, President of the United States, had disregarded the Constitution ?

A. I do not think I ever so said.

Q. Do you recollect ever having made such a statement ? Did you ever, at a meeting of this organization, express your opinion, as a member of the Sons of Liberty, that Mr. Lincoln, President of the United States, had violated the Constitution by arbitrarily arresting citizens of the United States ?

A. In such language, no, sir ; nor have I used language to give others that idea.

Q. Did you ever intend to convey to the order that impression as being your opinion ?

A. I do not know that I ever said anything upon that point.

Q. Will you state that you never said anything on that point ?

A. I will not so state.

Q. Did you ever, at a meeting of that order, state how the State of Kentucky had been oppressed by the federal authorities ?

A. I did, sir ; but I cannot say truthfully yes or no, without qualification. In making some remarks of that kind, I said, in my opinion Kentucky had suffered as much from our Union soldiers, at that date, as from the secesh ; that owing to my residence there I had very intimate relations in that State ; that desolation had taken place, owing to the Union soldiers ; that it had been the same way on the other side ; that the people in that section were about as much afraid of one as they were of the other.

Q. Did you not state that the rule of the federal authorities over the State of Kentucky was despotism of the severest character, or words to that effect ?

A. Of the federal authorities, no, sir, never.

Q. Did you not state, in a meeting of this organization, that you had been driven out of the State of Kentucky, or words of similar import ?

A. I said, owing to my political views, I did not feel that it would be proper for me to remain there ; so I removed.

Q. Do you mean now to be understood that you stated that you were driven out by the rebel element ?

A. I was induced to leave the State of Kentucky, although to me it is the dearest State on earth, because I was afraid that Kentucky would be counted out of the Union, and I did not want to go with her.

Q. Then you stated in that organization that you were compelled to leave the State of Kentucky because you were a Unionist ?

A. No, sir, I said nothing of that kind ; but substantially, that owing to the reign of things, and the condition of affairs, I felt it my duty to leave.

Q. Did you not say that you were a Union democrat ?

A. I am to-day, and always have been, a Union democrat.

Q. Was it because you were a Union democrat that you were impelled to leave Kentucky ?

A. Yes, sir ; that is what I have been trying to convey all the time.

Q. Did you so state in the meeting of the Sons of Liberty, that it was because you were a Union democrat that you were impelled to leave the State of Kentucky ?

A. I may have left off the word Union.

Q. Did you give the Sons of Liberty to understand that the reason you left Kentucky was because you were afraid it would go out of the Union ?

A. I made no explanation of that character.

Q. Did you ever state in the Sons of Liberty that you had been impelled to leave the State of Kentucky ?

A. Words of the same import.

Q. Did you give them any reason why you were impelled to leave ?

A. I am not aware that I ever did.

Q. Then you did not tell them that it was because you were a Union democrat that you left ?

A. You are exactly right.

Q. Did you speak of the tyranny of the federal administration ?

A. Never in the Sons of Liberty, or anywhere.

Q. About what time did you induce Mr. Alexander to join this organization ?

A. To the best of my recollection, the latter part of July or the first of August.

Q. Had you known Mr. Alexander before ?

A. I had known him a long while.

Q. Had you known him before you went to Chicago ?

A. No, sir.

Q. You became acquainted with him after you moved to Chicago, did you ?

A. Yes, sir ; I knew him in a peculiar manner ; he is a member of the Masonic fraternity of which I am a member.

Q. Are you aware whether Judge Morris is a member of that organization ?

A. I am well aware of that fact.

Q. Did Mr. Alexander suggest to you, or did you suggest to Mr. Alexander, the propriety of his joining this organization ?

A. I suggested to Mr. Alexander.

Q. Did you tell Mr. Alexander, at the time that you suggested to him to join it, in what capacity you were there ; or did you tell him you were there for the purpose of developing its secrets and communicating them to the federal authorities ?

A. I stated to Mr. Alexander that I had ample reason to believe the existence of a northwestern conspiracy, and I was resolved to track it up, and asked his co-operation.

Q. Did you tell him you were a member of this organization ?

A. After some conversation I did.

Q. Did you suggest to him that he should become a member of this organization ?

A. I did, sir.

Q. Did he agree to it ?

A. After some reasoning with me, stating that the matter was quixotic,

enumerating the dangers to which we would naturally be exposed, and the ruin which would almost certainly follow, he consented finally to go into it.

Q. Did he consent to go into it for the same purpose that you went into it, viz : to divulge its secrets to the federal authorities ?

A. He consented to aid me in that particular direction.

Q. Who proposed Mr. Alexander's name to this association as a member ?

A. I proposed it myself.

Q. Is there any form prescribed by the rules of that institution in which one member, proposing to introduce a stranger, vouches for his reliability, honesty, and integrity ?

A. There is.

Q. Did you, sir, as a member of that organization, at one of the meetings stand up and vouch for the honesty, integrity, and reliability of your friend Mr. Alexander ?

A. I most certainly did, remarking at the same time that he was a thoroughly loyal man, and as true to them as I was myself.

Q. When you stood up and vouched for your friend Alexander as a fit and proper person to become a member of that organization, announcing that he was an honest man, and as true to them as you were yourself, did you wish the members of that organization to understand that *you* were true to them ?

A. I think I have always been true to them, sir, and true to the country.

Q. Did you give them to understand, at that time when you vouched for your friend Alexander, that *you* were a true member of that organization ?

A. I suppose that was the purport, sir.

Q. Was it so understood, sir, by the persons there assembled ?

A. I have no doubt it was.

Q. Was it your intention that you should be so understood ?

A. It was my intention to have Mr. Alexander join that concern.

Q. Was it your intention when you stood up in that order and vouched for the integrity, reliability, and honesty of your friend Alexander, proposing him to become a member, and assuring the members there assembled that he was a loyal man, and as true to the organization as you yourself were—was it your intention to convey to the members of the order there present that *you* were a true member of that organization ?

A. It was.

Q. Was it your intention to convey to the members of that organization that your friend Alexander would be a true member of that organization ?

A. According to my interpretation of "true," it was.

Q. Did you not, at the time when you made that statement, know that you had gone into that order yourself, and that your object in inducing Alexander into it was, to divulge its secrets to the federal authorities ?

A. My purpose was never to divulge its secrets to the federal authorities ; I have never so said.

Q. If it was not your intention to divulge the secrets of this order to the federal authorities, what did you mean when you said, a little while ago, that you told Alexander that you had the most conclusive evidence of the existence of a northwestern conspiracy, and that you intended to break it up, and that you wanted his assistance for that purpose ?

A. I qualified that, sir, and will again. I said emphatically to you that I entered that concern for the purpose of exposing such secrets as I found in it to be treasonable, and that if I found it to be loyal, I would sooner cut off my right arm than betray the first secret.

Q. When you introduced Mr. Alexander as a member, vouching for him as an honest man, did you at that time think that there were treasonable elements in the organization ?

A. I did, sir.

Q. Then you had made up your mind to divulge its treasonable elements to the administration ?

A. Yes, sir.

Q. Did you introduce Mr. Alexander for the purpose of aiding you in that attempt ?

A. I did.

Q. When was Mr. Alexander elected ?

A. Some time in August, to the best of my recollection ; I think the early part of August.

Q. Were you present when he assumed the obligation ?

A. I was, sir.

Q. Who was the presiding officer on that occasion ?

A. I believe it was Mr. Patton ; I am not quite sure on that point.

Q. Was he Grand Seignior at any time ?

A. He had been, and officiated as such frequently.

Q. Do you recollect whether he was at the time of Mr. Alexander's initiation ?

A. He was not.

Q. Who was ?

A. The person who was really Grand Seignior had removed from the city, so that the different parties took turns in officiating.

Q. Who was the Grand Seignior ?

A. Mr. Cassil.

Q. Did you see Mr. Alexander assume the obligation ?

A. Yes, sir ; I was with him in the vestibule when he was going through the usual forms.

Q. By whom is the obligation administered to a new candidate ?

A. There are several obligations, and the different officers of the order confer them. I was present with him in the vestibule, and acted as his sponsor.

Q. Did you hear him assume the obligation ?

A. I don't remember to have listened to him ; I think I saw him going through the form, but I do not remember to have heard the words of the obligation.

Q. Have you any doubt that he did assume the obligation ?

A. I cannot say that I have any doubt on that point.

Q. Were you pretty well aware, at that time, of the objects of this organization ?

A. Yes, sir.

Q. Did you so inform Mr. Alexander ?

A. Yes, sir.

Q. Was he pretty well aware of the objects of the organization ?

A. So far as I told him, he was.

Q. Did you mention to him about the northwestern conspiracy ?

A. Yes, sir.

Q. Then you let him know, did you, that you thought that was one of the objects of the organization ?

A. Yes, sir.

Q. How long was it after Mr. Alexander was initiated that this committee was appointed to ascertain what were the objects of the organization ?

A. That committee was not appointed until quite late in the fall. (Witness refers to memorandum.) That committee of inquiry, consisting of Rock, Alexander, &c., was appointed in September ; I have not the precise date.

Q. Who composed that committee ?

A. That committee consisted of Mr. Rock, Mr. Alexander, and somebody else, whom I do not remember at this moment.

Q. Were you that third party ?

A. I most certainly was not, sir.

Q. Then, if Mr. Alexander stated in his testimony that Mr. Rock was one,

that you proposed him, Alexander another, and that Alexander proposed you, that these three composed the committee, it was not true, was it?

A. It certainly was an error, sir; I was not a member of that committee; I was once a member of a vigilance committee.

Q. Then you were not a member of that committee, were you?

A. No, sir.

Q. Nor did Mr. Alexander propose your name as a member of that committee, did he?

A. I do not know that he did, or did not.

Q. Do you know that you were not elected a member of that committee?

A. Not with my consent or knowledge. I am not aware of the fact at this moment that I ever acted as such.

Q. Had you ever any consultation with these other men on this subject, as a committee-man?

A. No, sir.

Q. Then you never did belong to this committee, did you?

A. No, sir.

Q. Who was the person that moved in the order that such a committee be appointed?

A. I do not know whether I moved it or not; I may have done so; I do not say that I did.

Q. If you moved it, did you expect to get any more information than you already possessed?

A. If I did, or did not, move it, I expected to obtain some information from Mr. Alexander, (who assisted me in this matter,) after the committee made their report.

Q. Did Mr. Alexander, subsequently to his initiation, attend the meetings of this order with regularity?

A. Pretty regularly, sir.

Q. Did Mr. Alexander, on any occasion, in your presence, make speeches to the order?

A. I have heard him make speeches to the order. I have heard him talk about the draft, the importance of keeping out of the draft, &c.

Q. Did you ever hear him say anything about resisting the draft.

A. I do not remember that I did.

Q. Did you ever hear him say anything about the tyranny of the administration?

A. I think I have; not in those words, but to that effect.

Q. Did you ever hear him talk about violence to the Constitution by the executive government?

A. I do not remember that I did.

Q. Did you ever hear him talk in the order about the arbitrary arrest of citizens without process of law, and their consignment to military prisons?

A. I think I have.

Q. On more than one occasion have you heard him?

A. I do not know. I never heard Alexander make any more than these loose, inflammable squibs.

Q. Were these inflammable squibs frequent, or otherwise, with Alexander?

A. I do not think they were frequent.

Q. Can you state how often you have heard him speak in the order in denunciation of the policy of the government?

A. I may have heard him half a dozen times, more or less.

Q. Did you ever have any consultation with him on the subject of his making speeches? Did you ever suggest that he should stand up in the order and make speeches?

A. I had a consultation with him on another point bearing upon that matter.

Q. Had you any conversation on that point?

A. No, sir; I told him at one time it was better for him to differ from me in many things; that it was utterly inexpedient for him to be always on the same side of a question that I was on.

Q. Was the object of that to blind the order?

A. Yes, sir.

Q. Did you ever, in any conversation with him, say that he had better take a more active part in the proceedings of this organization, and make speeches?

A. No, sir; his duty, more particularly, was to attend to outside matters.

Q. Was it never, then, said between you that he should take a more active part in the proceedings of this organization?

A. Only to the extent I have stated.

Q. What extent was that?

A. Occasionally he would speak about the draft, or something of that kind.

Q. Did you ever hear him make a speech in which he discussed the subject of the suspension of the writ of habeas corpus?

A. I think I have heard him make some talk of that kind, but it is only a vague impression.

Q. Did you ever hear Mr. Alexander, in this organization, say anything about an uprising?

A. Never.

Q. Did you never?

A. I do not think I ever heard him advocate an uprising in my life.

Q. Did you ever hear Mr. Alexander, in any address before this organization, make any reference to Camp Douglas?

A. I do not remember, unless it was after the arrests.

Q. Did you ever hear him say that while the organization was in full blast?

A. No, sir.

Q. Did you ever hear him make any statement with reference to arming the democratic party?

A. I have heard Mr. Alexander make some reference to arms. He remarked that he had a couple of guns; something of that kind.

Q. Did he say anything, at any of the meetings, about arming the democratic party, or any of the members of the order?

A. When the general discussion came up he took part in it, and remarked that it was well for everybody to be armed, and that he had a couple of guns.

Q. When this talk was had about arms, had it not been stated that it was apprehended that at the presidential election force would be used by the federal authorities to prevent a fair election?

A. Yes, sir; that idea was always held out.

Q. Was not the talk about arms in consequence of that idea being held out?

A. No, sir; during those discussions new-comers were to be edified on that point; that the republicans were going to attack us; the Union League was also talked about.

Q. Do you know whether there is such an organization?

A. I think there is.

Q. Do you know that it was armed?

A. No, sir.

Q. Did you ever hear it was?

A. Yes, sir; we have heard that it was, a great many times in the hall of the Sons of Liberty.

Q. How was it that you induced Alexander to go into this organization?

A. His own conscience prompted him to that.

Q. Did you suggest it to him?

A. Yes, sir.

Q. Did you not say, also, yesterday, that you suggested to a Mr. Phelps to become a member?

A. I never suggested anything to that man, and never so stated.

Q. Did you not state yesterday, or the day before, that you suggested to Mr. Phelps to become a member of this organization for a special purpose?

A. I was going to make a statement at the time, but was cut off from so doing; I say he joined by my request.

Q. Then you requested him to join, did you not?

A. No, sir.

Q. If he joined by your request, how can you reconcile that statement with what you have just said, that you did not request him to join?

A. I will explain this, and can reconcile very easily the two statements. In the first place, it was the rule in the order that we were to talk over in general terms about the Sons of Liberty; we were not to use their name; we were merely to talk about such an organization—throw out little “feelers” in reference to their being in existence, &c., saying it was an excellent thing for democrats, and all that sort of thing; and then the party, who was supposed to be an honest democrat or copperhead, would make the request to join, when the party who was going to take him under his wing in that way, after seeing that he was safely into this nest, was to go to his concern and state that he was a good loyal man, &c.

Q. Was that operation gone through with in the case of Mr. Phelps?

A. In part, it was.

Q. Then you did talk to Mr. Phelps about the Sons of Liberty, did you not?

A. No, sir; not using the words “Sons of Liberty.”

Q. But you used words meaning Sons of Liberty, did you not?

A. Yes, sir; we had conversations respecting a democratic club.

Q. Was it your object, in these conversations, to induce Mr. Phelps to join this organization?

A. No, sir; it was not.

Q. Did he request you that he should be proposed as a member?

A. He did; he came to see me two or three times on the subject.

Q. Did you first mention the subject to him, or did he mention it to you?

A. We discussed the general political matters of the day.

Q. Who first spoke of it?

A. I could not say.

Q. Who first spoke of the existence of this organization?

A. I do not remember; we were talking politics generally.

Q. Did he say that he had ever heard of the existence of such an organization until you told him about it?

A. No, sir.

Q. As far as you know, then, the first intimation that Mr. Phelps had, positively, of the existence of this organization was from you?

A. I do not say so, sir.

Q. Was that so?

A. I have no means of knowing how Mr. Phelps came to know of such an order. He might have known of it before.

Q. Did he know there was such an order, to your knowledge, when you first spoke to him about it?

A. No, sir; not to my knowledge.

Q. Did you tell him there was such an order as the Sons of Liberty, or what you call a democratic organization?

A. I had never given him any information on that point. In discussing the political questions of the day, I remarked to him that I was connected with a democratic club.

Q. Did you then refer to this organization?

A. In my mind, I did.

Q. When telling him that you were connected with a democratic club, did you, in the course of that conversation, suggest to him to join it?

A. No, sir.

Q. Did he ask you to join it?

A. Yes, sir. He said, "I would very much like to join such an organization myself."

Q. Did you propose him as a member?

A. I did.

Q. Did you vouch for him, or stand sponsor for him?

A. Yes, sir.

Q. Did you make the same statement to the organization, with relation to Mr. Phelps, that you did with relation to Mr. Alexander?

A. Not in the precise words; I said that he was a good man.

Q. Did you not say substantially the same?

A. I said Mr. Phelps was a most excellent man—a good, honest man.

Q. When you made that statement to the Sons of Liberty, with relation to Mr. Phelps, did you, or did you not, think that he intended to become a *bona fide* member of this organization?

A. I thought he did, sir.

Q. Did Mr. Phelps subsequently become a member?

A. Yes, sir.

Q. Did he assume the obligation?

A. Yes, sir.

Q. Were you present when he assumed the obligation?

A. Yes, sir.

Q. When he assumed the obligation to that order, did you then think that it was his purpose to become a *bona fide* member of that organization?

A. I did, sir.

Q. When was it you made your suggestion to Mr. Phelps?

A. I do not know that I can remember, sir.

Q. Please state as near as you can.

A. I think it must have been about the first of September.

Q. You say you had a high opinion of Mr. Phelps at that time?

A. Yes, sir; and I have to-day.

Q. Do you think he is a man of integrity and honesty, a good citizen, and a loyal man?

A. Yes, sir.

Q. You thought, at the time you first spoke to him about becoming a member of, and subsequently when he joined, the Sons of Liberty, that it was his intention to become a *bona fide* member, did you not?

A. Yes, sir.

Q. Have you ever had any reason to change that opinion; have you any reason now to believe that, at the time he became a member of that democratic club, he joined with any other purpose than being a *bona fide* member?

A. I believed at the time he was to be a *bona fide* member.

Q. Have you obtained any information, subsequent to that time, which induces you to believe that at the time he joined he did not do so with the intention of becoming a *bona fide* member?

A. I thought his intention was to become a *bona fide* member.

Q. Do you think so now?

A. Yes, sir.

Q. Have you had no reason since to change your opinion?

A. No, sir; not of his primary intention.

Q. Have you any reason to believe that Mr. Phelps, at any time subsequently, changed his intention?

A. I have, sir. I know that, after he got into this concern, he once or twice said to me, "Doctor, what sort of a devilish concern do you call this?"

Q. At any subsequent period did you ascertain that Mr. Phelps did not intend to become a *bona fide* member?

A. I did not.

Q. When you proposed Mr. Phelps's name, stating to the organization that he was an honest man, an honorable and loyal man, and vouching for him as a fit person to become a member of this organization, did you tell the association what you really thought?

A. No, sir; unless you allow me to qualify the answer. I did not wish them to understand that Mr. Phelps was such a cut-throat as I believed the rest to be. I thought him a better man. I told them he was a most excellent man—a thoroughly loyal, good man.

Q. At that time (which you say was in September) had you not yourself communicated to General Payne, and to other persons, the treasonable nature, in your opinion, of this organization?

A. I had done that, sir, with a great deal of pleasure.

Q. Then, sir, having communicated to the authorities that this was a treasonable organization, in your opinion, how could you induce your friend Mr. Phelps, who you say was an honest man, a good citizen, and a loyal man, to become, as you say, a *bona fide* member of a treasonable organization?

A. I never so induced him, sir.

Q. Did you not induce him, sir, to come into that organization and assume those obligations?

A. No, sir.

Q. Could he have been admitted into this organization without assuming its obligations?

A. He certainly could not.

Q. Who is Mr. Phelps?

A. He is a citizen of Chicago, and resides on State street, near Uhlick's hotel; and as far as I know, he is one of the best men in the city.

Q. Do you know his business?

A. I do not recollect at this moment what his business is.

Q. Is he the landlord of a hotel called the Phelps House?

A. I do not know; I do not know whether he keeps a saloon.

Q. Have you any knowledge of what his business was at that time, or since?

A. Of my own knowledge, I do not know.

Q. Do you know what he did for a living?

A. He was formerly a popular landlord in Massachusetts.

Q. Do you know his first name?

A. H. A., I think, are his initials.

Q. Did any other persons ever join the Sons of Liberty upon your suggestion?

A. No, sir.

Q. Did you vouch for, or introduce, any other persons except Mr. Phelps and Alexander?

A. I do not know of any other.

Q. I will ask you if you ever solicited or talked with any other person on the subject of becoming members of this organization?

A. I never solicited them, sir.

Q. In consequence of talking with Mr. Phelps he proposed to join, did he?

A. Yes, sir.

Q. In consequence of talk with anybody else on this organization, did you ever introduce anybody else as a member?

A. I do not think I ever did.

Q. Did you ever advise anybody, or suggest to anybody, to become a member of this organization?

A. I certainly would not advise anybody; and I certainly never did advise anybody.

Q. Did you ever suggest to anybody to join the order of Sons of Liberty, or what you call a democratic club?

A. No, sir.

Q. Do you say that on the 23d of September there was a committee on arms appointed? Can you state upon whose motion that committee was appointed?

A. Mr. C. W. Patten was chairman of that committee; it was upon his motion it was appointed. Alexander was also a member of the committee. I do not remember the other member.

Q. Was it yourself?

A. It was not, sir. I was a vigilance committee on my own hook.

Q. Was it a man by the name of Silver?

A. No, sir; I think not. Silver is a member of the order.

Q. Do you know him, or where he lives?

A. No, sir.

Q. Did Alexander make his speech at this appointment?

A. I think he did; he remarked about the usual perilous times, something about his having a couple of guns, &c.

Q. When was the latest period that you saw Judge Morris present at a meeting?

A. I think about a month before the election; I think the early part of October.

Q. Was Judge Morris present at the 3d of November—the special meeting you spoke of?

A. No, sir.

Q. Were the memoranda, to which you refer, made at the time?

A. No, sir; they are written out from memory since I have been in the city. They are transcripts of notes I made at the time; they are not the original memoranda that were transmitted to Colonel Sweet, but are original jottings from what this original memoranda contained.

Q. Is Judge Morris mentioned as present on the 3d of November?

A. I have almost a distinct recollection that he was not there.

Q. Do you remember of his being there since the election?

A. No, sir; I do not.

Q. Was Judge Morris present at the meeting at the Invincible Club room that you have spoken of?

A. He was not.

Q. Then the speech of which you speak, in which Judge Morris spoke of giving the abolitionists something "under the shirt tail," must have been four or five weeks before the election?

A. Yes, sir.

Q. Did you ever hear this phrase in Kentucky?

A. Yes, sir.

Q. Does it not originate with whipping negroes?

A. Yes, sir. I have heard the expression of giving them hell under the shirt tails.

Q. Do you not know that Judge Morris used Kentucky phrases?

A. Yes, sir.

Q. He is quite a vigorous, earnest speaker, is he not?

A. Yes, sir.

Q. Did you ever hear him make a speech before a jury?

A. No, sir; but I have heard him make speeches elsewhere; I have heard him talk in his peculiar way.

Q. He is pretty demonstrative and vehement in his way ?

A. Yes, sir ; he is plain, and when he is set going, is pretty hard to stop.

Q. He is pretty earnest, is he not ?

A. Yes, sir.

Q. Was he a pretty vigorous politician in the campaigns ?

A. Yes, sir.

Q. He was an old democratic politician, was he not ?

A. Yes, sir.

Q. Have you not heard the judge talk about the suspension of the writ of *habeas corpus* as an outrage ?

A. Yes, sir.

Q. Have you not heard him characterize it as an usurpation of power ?

A. Yes, sir.

Q. And the arbitrary arrest of persons, was that represented as an usurpation of power ?

A. Yes, sir.

Q. Was it in that connection that Judge Morris said the President had usurped power that he, Judge Morris, did not consider belonged to him ?

A. Yes, sir.

Q. Not that he had not been constitutionally elected ?

A. No, sir ; nothing of that kind.

Q. I understand you to say you are a democrat ?

A. Yes, sir ; I have been a Union democrat.

Q. Then you are not now a partisan of the administration ?

A. No, sir ; I have never been what is properly called a republican.

Q. At the time you joined this organization, in the summer of 1864, you were known as a Union democrat ?

A. Yes, sir.

Q. And as a constitutional opponent of the principles and doctrines of the administration ?

A. I differ from the republican party on some minor points.

Q. Were you not in opposition to the President and his party ?

A. I never was in opposition to the President.

Q. Were you not in opposition to his party ?

A. While I did not approve of all his measures, he is the very man I would vote for.

Q. Did you vote for him ?

A. I did not vote at all ; my candidate was not in the field.

Q. Did you support the opposing candidate, General McClellan ?

A. After it had the "bob tail," the Pendleton part, attached to it. I never supported it after that.

Q. The presidential campaign was a very excited, heated one, was it not ?

A. Yes, sir.

Q. And a great deal of loud talk ?

A. Yes, sir.

Q. And a great deal of very foolish talking ?

A. Yes, sir ; I have no doubt of that.

Q. When did you remark that Obadiah Jackson became Grand Seignior of this organization ?

A. He was installed on the 20th of October, or about that time ; I think he was elected about the 1st of October. Mr. James A. Wilkinson preceded him, and this man Cassil preceded him.

Q. Was Mr. Jackson a pretty regular attendant ?

A. No, sir ; he was not. I do not think I saw him till he was installed.

Q. Do you say that Mr. Jackson was present at the first meeting in the Invincible Club rooms on that Sunday evening ?

A. Yes, sir; and certainly had as good opportunity as anybody else for hearing all that was said.

Q. Did you ever see Jackson present when Judge Morris spoke?

A. Yes, sir.

Q. Did you ever see Rock present when Judge Morris spoke?

A. Yes, sir.

Q. Was Mr. Rock present when Judge Morris made this explanation in answer to the committee?

A. I think he was.

Q. Was Mr. Patton present?

A. I think he was not.

Q. Was Strawn present?

A. I think he was.

Q. Was Geary there?

A. I think he was, as he was usually there.

Q. Who else was present?

A. Mr. Hull, Mr. Felton, and a great many others whose names I cannot now recollect.

Q. You say you directed Alexander to watch the trains that were coming in prior to the election?

A. Yes, sir.

Q. You say there were a great many people in the city?

A. Yes, sir; more than I ever saw in Chicago before.

Q. You say you had information that 300 arms came from one county?

A. Yes, sir.

Q. What county was that?

A. It was a county joining Cook.

Q. Do you know the prevailing political opinion of the people residing in the county joining Cook?

A. I do not.

Q. Have you not heard that there are three to one republican?

A. No, sir.

Q. Did you see any of those 300 arms?

A. I did not see them; I saw strangers, who were represented as having just come in.

Q. Where did they go to?

A. The city was very full, so that it was impossible for half of them to get decently located.

Re-direct examination:

By the JUDGE ADVOCATE:

Q. In your cross-examination you stated that sometimes it might be said that you had taken an active part in the order; what was that active part?

A. At one time speeches had been made there, in which they had come out squarely for Jeff. Davis, saying they would rather be under Jeff. Davis than anybody else. I felt very indignant about it, and got up and made a set speech. that, I think, they will always remember, for they said it was a "bomb-shell" in their camp. I told them I was for the old flag, and if they did not go in for the Union they might count me out; and after that I never was in so much favor with the honorable body. It was also my report that gave to Colonel Sweet those pistols, guns, and carbines found at Charlie Walsh's barn.

Q. What was your action in reference to furnishing the military authorities with reports?

A. Immediately after adjournment, my office being in the same building, I went to my office and wrote out a skeleton, and sometimes a despatch in full.

when the circumstances of the case called for it, and forwarded it to Camp Douglas; as, for instance, respecting those arms; we came within half an hour of losing them, and so I took care to have my courier report in season.

Q. I will ask you if there was anything in your taking that oath further than the simple fact that you did what was necessary, at all times, to convey to the minds of the members of that order that you were a member of it, and so far as necessary to probe that order, and give the government the benefit of your knowledge?

A. Nothing more, sir, than I believed was necessary for the purpose for which I entered it, which was to break up a formidable conspiracy.

Q. And that you did, as an honest man, believing you were right?

A. I did, sir.

By the COURT:

Q. Give your explanation in reference to your being sponsor for Alexander.

A. In being sponsor, I was in the room when it was announced that Alexander was there waiting to be initiated. When his name was announced there was a burst of indignation, and they wanted to know who introduced him, and it was said it was Dr. Ayer. Geary, particularly, was exceedingly violent, and said, "You shall answer for it with your life if he proves false." I said I expected to; it was on this ground that Alexander was admitted. I then went into the vestibule, and again vouched for him, with the understanding that I should forfeit my life if Alexander was not true to his pledge.

Q. What did Judge Morris say about a fence being between them and his friends, but who would join them when the time came for action?

A. I have not testified that Judge Morris said anything about any fence, nor have I testified that Judge Morris stated anything about an enclosure.

Q. Did he say anything about an enclosure?

A. He might, but I have no recollection sufficiently definite to enable me to state what.

Q. Are you in the employ or pay of the government?

A. I was not in the employ of the government or the pay of any person on earth. I paid my own expenses, and they have been considerable; and have never received, nor do I expect to receive, from any person on earth a dime, nor do I want to.

Q. You stated, in one of the speeches, that it was said that the order numbered 80,000; did you take steps to ascertain if it was correct?

A. I made inquiries sufficient to satisfy me that it was a pretty close approximation; I think there were something more instead of less.

Q. Why did you desire Phelps to become a member of the treasonable organization?

A. When I knew that ultimately the thing would come to a treasonable head, I thought that Phelps would be such a man as we could rely upon; I never acted with him; he simply withdrew from it. He was an invalid, and I advised him to keep away from all excitement.

Q. What proportion of the eighty thousand do you know were armed?

A. The report was that they were all armed with guns, and were drilled every night in squads of ten, and many members of the organization got in as captains and lieutenants into the Invincible and McClellan clubs for the purpose of organizing them.

Q. Did you not say, in some speech, that the rebel prisoners in Camp Douglas knew the plans of the order?

A. I think it was Mr. Doolittle who said it was so publicly stated.

Q. Were the arms you spoke of distributed for the purpose of attack or defence?

A. It was understood it was for the purpose of attack.

Q. How was it you did not counsel Phelps, seeing he was in bad health, not to join the order?

A. He was not in sufficiently delicate health to prevent him from joining.

Q. Did this lodge belong to the military organization of the order?

A. They were regularly drilled and armed; it was so understood by the members.

Q. Who was the immediate commander of that Temple?

A. All our forces were under the command of Brigadier General Walsh.

Q. Were you bound to obey his orders?

A. We were; no matter what they were.

Q. Do you know who his immediate commander was.

A. Our major general was Barrett.

Q. Then how far did Walsh's command extend?

A. I understood the district of Illinois to be under his command.

Q. Did he visit those meetings regularly?

A. He was there occasionally.

Q. Was he an officer of the Temple?

A. No, sir; he was not there very often.

Q. You spoke of an uprising, please state how far the defendants here were cognizant of this uprising, and what they did.

(Question objected to by a member of the court, because it was asking an opinion of the witness, when that cannot be detailed by the witness, for the reason that the witness can only detail facts before the court, and the court will draw inferences from such facts.)

The court was cleared for deliberation; on being reopened the judge advocate announced that the question was rejected by the court. The question was withdrawn.

Q. It is said that Mr. Walsh drilled at the head of these Sons of Liberty; did you ever see him drill?

A. I never did.

Q. Did he ever make speeches or take an active part in the meetings?

A. Not as a general thing. If he spoke, it was only a few words; I never regarded Mr. Walsh as an active member.

Q. On that Sunday evening did the members pass in and out at their pleasure?

A. Members passed in and out, but there was a tyler at the door and the door was guarded.

Q. Was any person admitted who had not the proper pass-word or signs?

A. Not to my knowledge.

Q. Did you ever learn whether any confederate officers were present at any of these meetings?

A. I did, sir.

Q. On what occasion?

A. On Sunday there was a person present who was pointed out as an officer in the confederate service; he was pointed out by members present, but I do not remember who.

Q. Had you any talk with the officer?

A. No, sir.

Q. What was the condition of Walsh at that Sunday meeting, as to drunkenness?

A. I should think he had been drinking, but I could not tell.

Q. Did he not speak chiefly of the election?

A. I did not say so.

Q. How did you judge he was drunk?

A. Only from what he said; he did not show it in his eye or in his walk.

WILLIAM S. HINCLE, a witness for the government, was then introduced, and being duly sworn, testified as follows :

By the JUDGE ADVOCATE :

Q. State your name, residence, and occupation.

A. William S. Hinckle ; I reside in Mattoon, Illinois.

Q. Where were you during the month of September, 1864 ?

A. I formerly lived in Sullivan county, Indiana, and was spending a portion of the time there in September.

Q. Were you there at the time of the arrest of Wilson *alias* Castleman ?

A. I arrived there on the morning of that day.

Q. Had you anything to do with papers taken from his person ; if so, what ?

A. I had ; I arranged some papers that were torn up.

Q. Who handed these papers to you ?

A. I believe my brother, Thomas R. Hincle, a witness who has testified here ; he procured them from Mr. McGuire, who also testified here.

(Some bits of paper fastened together were here handed to the witness.)

Q. Are these the pieces that were handed you ?

A. Yes, sir, they are the ones I put together.

Q. At what date ?

A. It was about the first of October.

Q. How soon after the arrest of Wilson *alias* Castleman ?

A. The Monday or Tuesday after his arrest ; he was arrested, I think, on Saturday.

Q. What was said at the time about these scraps ?

A. They were taken from McGuire by an order from Colonel Warner, to whom we had delivered those prisoners.

Q. Did you know where these scraps came from into McGuire's hands ?

A. McGuire said he had taken them from the room where these men had been arrested, a very short time afterwards ; I mean Castleman and another man, who gave his name as Murry Bayman. We got that memorandum-book at that time ; we also got a number of phials, and some bottles of Greek fire, as it was called by them, and some book on military tactics.

(No cross-examination.)

FELIX G. STIDGER, a witness for the government, was then introduced, and being duly sworn by the judge advocate, testified as follows :

By the JUDGE ADVOCATE :

Q. State your name, residence, and where you have resided within the last three years ?

A. I now reside in Indianapolis, Indiana. I enlisted in company E, fifteenth regiment Kentucky volunteers, in the fall of 1862 ; previously to that I lived in Bloomington twelve years ; then I was in Louisville until the 16th of September ; I then went to Mattoon, Illinois, and remained there until December ; I came back to Louisville about the first day of January, 1865.

Q. Did you serve with the regiment ?

A. I never served a day in my life. I served as clerk in the Adjutant General's office all the time I was in the army ; I was serving as such from the 8th of October, 1862, to the 14th of February, 1864. I was honorably discharged on the surgeon's certificate of disability. After I was discharged I came to Taylorsville, Kentucky, where my mother lives, and remained there until the 15th of April, 1864 ; went from there to Louisville, Kentucky ; while there I was engaged as United States detective. I was first employed by Captain Stephen A. Jones ; afterwards by Colonel Farleigh, commanding the post at Louisville.

Q. While at Louisville, did you make the acquaintance of any of the accused ?

A. Yes, sir, of Mr. Anderson.

Q. When did you first make his acquaintance, and under what circumstances?

A. About the first of June he came to the office of De Kalfus, where I was at the time, and I received an introduction to him from Kalfus. It was from the first to the tenth of June, 1864.

Q. When did you first gain any knowledge of the secret organization of the American Knights, or Sons of Liberty, and how did it happen?

A. On the fifth of May I was at Captain Jones's office shown a letter from General Carrington, requesting Captain Jones to send a Kentuckian to Dr. Bowles, French Lick Springs, Orange county, Indiana. Jones showed me the letter, and asked me if I could do anything in the matter. He then sent me to Dr. Bowles. That is the first I heard anything of the organization. I was initiated in that organization on that day, the fifth of May, by a United States detective. I did not take any oath. I went to Bowles and learned that there was such an organization, and that he was one of the leaders of it.

Q. Give in brief your interview with Bowles.

A. He asked me if I knew anything of the democratic organization in Kentucky, and if I was a member. I said I was a first-degree member. He then went on and told me that he was the military chief of that order, and that Mr. P. C. Wright, of St. Louis, was the civil chief of the order; that it was an extensive organization in Indiana, Illinois, and Missouri, and was extending as rapidly as possible in Kentucky.

Q. Did he give you any information as to the purposes for which the order was intended?

A. Yes, sir; that it was in aid of the southern rebellion.

Q. Do you know of Colonel Anderson becoming a member of this order; if so, when and where?

A. He did; about the middle of June, after my interview with Dr. Bowles. Dr. Kalfus told me he had initiated Anderson into the vestibule, or first degree, and instructed me to give him the second and third degrees of the order. After satisfying myself that he was a first-degree member, I gave him the second and third degrees. I gave him those degrees in the private room of Dr. Kalfus's office. Anderson told me that he was a colonel in the United States army, and under bonds to the United States government.

Q. Under bonds for what?

A. I do not know for what. I never knew the particulars.

Q. State what was said by you to him at that time, and what you gave him as the intents and purposes of the order?

A. He was fully instructed as to the objects of this military organization; that it was in aid of the southern rebellion.

Q. Did you say to him that it was in aid of the southern rebellion?

A. I do not know that it was in just those words. I gave him to understand that when the uprising was made in the northern States it was to assist the southern army, and to assist Kentucky and Missouri in any designs they had in view.

Q. Did he assent or dissent from those views?

A. He assented to them, and said it would be a great joy to his southern friends to know that there was an organization in the north for their assistance.

Q. Did anything else pass between you and him?

A. He told me something about his having applied through Colonel Farleigh to General Burbridge for a banishment, as a means of exonerating him from his bond to the government. He said he had writhed under the agonies of his injustice to his southern friends as long as he could stand it, and he wanted to know of Colonel Farleigh how he could exonerate himself. He was told he could only do it by getting into a northern prison and be exchanged, or he could go to Canada, and that would exonerate him from his bond to the United States

government. He said if he could go there he would go from thence to Mexico, and from thence to the southern confederacy, and take up arms again.

Q. Do you know what he did in reference to that matter?

A. I do not, except from hearsay. A man by the name of L. C. Matthews showed me a letter from Anderson in Canada.

Q. Who was this Matthews?

A. He kept a feed store.

Q. Was Matthews a member of the order?

A. Yes, sir.

Q. You may state the contents of that letter.

A. He brought a letter to Dr. Kalfus; it seemed as though it had been opened. The letter was written to him in a secret cipher, requesting him to send the rituals and the unwritten part of the order. He sent twenty dollars for the "good of the cause." It was signed at the bottom Anderson.

Q. Was anything said by Anderson in reference to any communication with his southern friends in reference to this order?

A. He said it would be a source of great joy to them to know that there was a secret organization in the north for their benefit, and he said he would inform them after he returned to the south.

Q. What is the unwritten work of this order?

A. It consisted of the signs and colloquies.

Q. You may now give to the commission the unwritten work of the order, consisting of the colloquies, signs and grips, and passwords.

A. The vestibule is that in which all persons who design to become members of the order are first instructed. It was so arranged that a person who took the vestibule degree knew nothing beyond that; in a large city they could have societies of the Sons of Liberty, composed of members who had gone no further than the vestibule lesson, and meet as general political clubs. They would be bound by the obligations of the Sons of Liberty, but know nothing further of the organization than that lesson. The sign of recognition was made by standing erect on both feet, placing the heel of the right foot in the hollow of the left, with the arms folded in the ordinary manner. A member of the order noticing me in this posture would suppose he was challenged. He would place himself in the same position, and challenge me. He would extend his right foot to meet mine, and use the following colloquy: I would say "nu;" he would answer "oh;" I would reply "lac." He would say "S;" I would answer "L." He would say "Give me liberty;" I would answer "or give me death." There is also a signal of distress. You place the left hand on the right breast, and raise the right hand directly in front to its full height, once. This is given in the daytime. If at night you give the cry of distress, "oak—houn," repeated three times. You wait a moment, and then repeat it three times, and continue this until assistance comes. The members of this degree were also instructed that it was the duty of each member of the order to repair immediately to the spot and assist the member giving the signal. They were also instructed that the acorn was the universal emblem of the society. If the person was not deemed worthy to take any further degrees he was dismissed. The members of that degree never know anything officially of the further organization of the order. In the first degree the sign of recognition is the same as in the vestibule degree, except that the index finger of the left hand was placed on the right arm when the arms were folded. We were instructed that this meant State rights, and State sovereignty. If a member gave that sign it was the duty of another seeing it to advance and recognize him. The grip of the first degree is an ordinary grip, in which the index finger is placed upon the wrist, extending upward. That is entitled the grip of the acorn. The colloquy is repeated thus: "If I go to the east"—"I will go to the west." "Let there be no strife"—"between mine and thine"—"for we"—"be brethren." "Oh"—"S"—"L." "Resist-

ance to tyrants"—"is obedience to God." The colloquies are pronounced alternately, as indicated by the dashes. This is the colloquy of the first degree. In this degree members were instructed in the mode of entering a Temple. The pass-word of that degree was changed monthly in each county Temple, which adopted its own pass-word. The members were instructed that the acorn was the universal emblem of that order, representing strength, growth, and durability. Those initiated into this degree were welcomed as full members of the order of Sons of Liberty. The sign of recognition of the second degree is given with the body in the same position as in the first degree, the hands being crossed on the abdomen, the right hand on the left and the thumbs pointing upward to a point which is said to represent the star Arcturus. The colloquy is: "What—star—cometh?—Will ye inquire?—Inquire ye—Return—come." Members were instructed that a five-pointed star, of any metal, could be used as an emblem of that degree. The pass-word was "Orion," pronounced as a test by giving the long sound to "i" in the second syllable. This is the unwritten portion of the second degree, except the manner of entering the temple. The third degree is similar to the second in position of the body. The sign of recognition is made by crossing the arms on the chest, the right arm upon the left, and the fingers pointing to the shoulders. The colloquy is: "Whence?—seir?—How—by the ford?—Name it—Jaback.—Your pass—word Washington." The response is "Bayard." The distinct pronunciation of the last syllable, "yard," being a test of membership. The sign of the grand council degree is given by clasping the right hand, and taking hold of the elbow of the right arm with the left hand; then give a simple shake of the hand, turn one quarter to the left, with the arms folded, and repeat the colloquy: "Whence?"—"America"—"North"—"South." The pass-word of the grand council degree is "America." A member who wishes to enter a Temple of the first degree makes some alarm at the outer door. If he is known to be a Son of Liberty he would be admitted on giving the pass-word, without any further trouble. If not known, he gives the pass-word and is admitted into the anteroom, and sends in his name and that of the county Temple to which he belongs, and states that he is a visiting brother. His name is reported to the presiding officer. When the name is announced to the members present, if any know him, they vouch for him; if not vouched for a committee of two is appointed to test him in the degree in which the council is working. If found perfect he is admitted; if he fails he is rejected. The manner of entering Temples working in other degrees is the same, with the exception of the pass-word used.

Q. Was the order military in its organization in any way?

A. It was. It had its regular officers, companies, regiments, and districts. They had major generals, brigadier generals, colonels, and captains.

Q. How were they appointed?

A. The major generals were elected by the grand council, which was nominated by districts, each State being divided into districts. Each district nominated its brigadier general. I think the major generals, who were elected, appointed the subordinate officers.

Q. What were their commands?

A. The State was divided into four districts; that was the case with the State of Indiana, and had its four major generals. These major generals subdivided it into districts, and each brigadier general commanded one of these districts.

Q. Was there any arrangement as to drilling or arming?

A. Not that I know of. There were frequent dissensions as to arming.

Q. How about Kentucky?

A. They had a Grand Commander. Joshua A. Bullitt was the Grand Commander.

Q. Do you know of his being initiated?

A. I know he had the pass-words, signs, and grips of the order, and presided at a meeting of the order in room No 6 at the Galt House, in Louisville, on the night of the 27th of June.

Q. Was Colonel Anderson present at that meeting?

A. No, sir.

Q. Did you ever hold any official position in the order?

A. Yes sir; I was secretary of the State of Kentucky. I received my orders from Judge Bullitt, Dr. Kalfus, W. K. Thomas, Mr. Dodd, and Dr. Bowles.

Q. After you were in the order whose orders did you obey?

A. Judge Bullitt and Dr. Kalfus, in the initiation of members. The orders and instructions were given me by Kalfus, Thomas, and Dodd.

Q. Were there any orders or instructions given you by United States authorities to initiate members into the order?

A. No, sir; there were not. My orders were to penetrate the secrets of the order, and find them out and report them. What I did in the order was done under the instruction of Judge Bullitt, and I did nothing that I was not required to do by them.

The commission then adjourned, pending the examination, to meet Saturday, February 11, 1865, at 10 o'clock a. m.

COURT-ROOM, CINCINNATI, OHIO,
February 11, 1865—10 o'clock a. m.

The commission met pursuant to adjournment.

All the members present; also the judge advocate, the assistant counsel, the accused and their counsel.

The proceedings were read and approved.

FELIX G. STIDGER, a witness for the government, resumed his testimony as follows:

By the JUDGE ADVOCATE:

Q. Were you present at any other meetings of the order?

A. There was a meeting of some members of the order at Bocking's room, in the Louisville Hotel, the 30th of June.

Q. Who was present at that meeting?

A. Dr. Bowles was present, Kalfus, and Mr. Bocking.

Q. Who is Mr. Bocking?

A. He represented himself as having a house of business in Cincinnati, and another in Indianapolis, and another in Detroit. He was exhibiting his shells and Greek-fire. There were some ten or twelve members present.

Q. What was done at that meeting?

A. It was called for the purpose of Bocking exhibiting these infernal machines and Greek-fire, and to explain how they could be used by the Sons of Liberty in destroying government property.

Q. Was that discussed as one of the objects of this invention?

A. It was discussed as the purpose.

Q. Who was present?

A. I do not remember whether Bullitt was there or not. He was present at the meeting on the 27th of June.

Q. What was done at that meeting?

A. There was considerable discussion about the oppression of the government, and it was said that there ought to be a general resistance to it by force of arms, and that the people were in for it generally.

(E. G. Asay, esq., on the part of the defence, moved that all evidence that

had been given in reference to what was said or done in Indiana and Kentucky be rejected as incompetent.

The court was cleared for deliberation. On being reopened the judge advocate announced to the accused that the motion is overruled.)

Q. State what was done at that meeting on the 27th of June.

A. Judge Williams made a speech at considerable length; also Mr. T. G. Boswell. They spoke considerably of the feeling of the people in their section of country, and the usurpation of the government, and they favored and avowed resistance to the government. Judge Bullitt was the presiding officer.

Q. Was any time set for the avowed resistance?

A. Not at that time, but there was afterwards. It was known to the leading members at Louisville.

Q. Was anything said at these meetings in reference to the co-operation of the order in the different States?

A. They were all expected to co-operate together. Ohio, Indiana, Illinois, Kentucky, and Missouri were certain, and some thought the northwestern States would join, but of this they were not certain.

Q. Were the American Knights and Sons of Liberty the same?

A. I was told they were the same by members of the order. I belonged to the order of Sons of Liberty.

Q. Had these organizations the same principles, and were they intended to accomplish the same objects in these different States, to your knowledge?

A. It had, to my knowledge, in Kentucky and Indiana; and I was acquainted with a Mr. Piper, a member from Springfield, Illinois, and I found from him they all had the same pass-words, grips, signs, and instructions.

Q. When did you first learn that the uprising was to take place? and at what time was it to occur?

A. I first learned it from Piper, about the 1st of July. He stated that the uprising would take place about the third, or about the 15th or 17th of August—one of those dates, as Mr. Vallandigham should decide. He came with instructions to Louisville, and I saw him and had a talk with him. He came to tell Judge Bullitt, to be prepared. He said he came with instructions for Bullitt. I afterwards learned that they were from Dr. Kalfus. Piper said he received them from Mr. Vallandigham. It was about an uprising of the order of the Sons of Liberty by means of an armed resistance to the government; and further instructions were sent to Bowles to take charge of the release of prisoners at Johnson's or Rock island, I forgot which, but it was one of those places. I afterwards learned the same from Dodd.

On the night of the 18th of July we held an informal meeting in Louisville, and Judge Bullitt told us there was to be a meeting of the heads of the order in New York on the 20th of July, and that he would start on the 19th to attend. We expected him back in four or five days, but I did not see him for more than a week. I went to Indianapolis on the last Thursday in July. On Friday morning I saw Dodd at his office, at about 10 o'clock. He told me that he had that morning got home from New York. He said that their plans and time of action had been arranged in Chicago, and that everything was now about ready. He told me that Judge Bullitt would probably be home on Saturday, and he wished me to go home on the first train and get twenty or thirty good runners, that the judge might use to notify his men as soon as he came home. I went home on Saturday. When I got on the train Judge Bullitt came on. He told me to go into the front car, as there were very few persons there. He came in and told me the same as Dodd: that the plan of action was all arranged, and the time, and everything. After we got to Jeffersonville, he was going to get a buggy to take him up the river to his home. He did not wish to go through town, not wishing people to see that he had returned; that was Saturday evening. He wished me to send Bayliss and Brannon to him, and he would give

them the arrangements; and on Sunday I was to send Kalfus and Thomas for him to give them the plans. He had some fears that he would be arrested, and he said that after these men knew the plan, he did not care if he was arrested; they could go ahead and carry them out, and he would be released. On the arrival of the ferry-boat on the Louisville side, Judge Bullitt was arrested. I told Kalfus and Thomas of the arrangement; that I was to send two gentlemen down to Judge Bullitt's house, and he was to give them the whole plan. After Bullitt was arrested I was sent back to Indianapolis, on Monday night. I went to Dodd on Tuesday morning and told him of the arrest of Judge Bullitt. Dodd was considerably excited, and gave me the plans himself. He was very strict in inquiring if Judge Bullitt was searched while he was at the commander's headquarters. He said Bullitt had drafts upon his person on Montreal, and that it would give him a chance to take the numbers of these drafts and get the money on them.

Dodd said that the plans were that, on the 16th and 17th of August, they were to call a democratic mass meeting at Indianapolis; under the plea of that democratic mass meeting he was to notify his men to come there armed. At Louisville they were to have a democratic barbecue, and the members were to come there armed; and there was to be a simultaneous action at Camp Douglas, Chicago, Camp Morton, Indianapolis, and at Springfield, Illinois; the rebel prisoners were to be released, and the United States arsenals were to be seized, and the prisoners armed with those arms; that they were to be assisted by the members of the order; and all those from Indianapolis were to march to Louisville and concentrate with the forces there.

Q. What signal was to denote the uprising at Indianapolis or Chicago?

A. I do not know what was to be the signal, but there was to be a democratic mass meeting, and the members were to come there armed. After the prisoners were released, they and the members were to march to Louisville and then operate as circumstances might seem to justify.)

(Two spherical shells were here shown to the witness.)

These were exhibited to the members present at Bocking's room, in the Louisville Hotel. I understood money was given to Bocking to perfect his machines, though I did not see it. Bullitt, I know, at the meeting of the 18th of July, made arrangements to send a man to see Colonel Syphert, a rebel colonel then raiding in Kentucky, to get his co-operation in the taking of Louisville, and also to see if he could not get a personal interview with Colonel Jesse, who was then in Henry county, Kentucky.

Q. What, if anything, was said or done by this order in reference to the co-operation with the rebel forces?

A. Bowles told me that the members in Illinois were to co-operate with those in Missouri, and they were to co-operate with the rebel General Price; and that, with the assistance of the order of the Sons of Liberty, it was expected he would hold the State against the federal forces. Indiana and Ohio were to go to Kentucky and co-operate with any rebel general who was to be sent into the eastern part of the State, and hold it against any federal forces who might be sent there.

Q. State if this plan failed. If so, why?

A. It was never carried into execution, but I do not know why, except from Mr. Bingham's evidence before the commission in Indianapolis. I believe the leading members in Louisville and Indianapolis were arrested before the arrival of the time set.

Q. Did you learn how extensively this order was armed?

A. I never knew positively how extensively. There was considerable discussion about the arming in Indianapolis as well as in Louisville. Bowles said he had an arrangement with a man who would furnish any amount or kind of arms

on payment for the same, and he proposed taxing the members, or raising contributions, as they deemed best, for the purchase of arms.

Q. Did you learn how extensive the order was in the different States?

A. In Indiana they said it numbered 75,000; but they only counted on about 40,000 going into the service; in Illinois it numbered more, and they had confidence in 50,000 men going in; in Missouri, 30,000. Ohio never gave any definite report; nor Kentucky.

Q. Who was the Supreme Commander?

A. Vallandigham.

Q. Who were the Grand Commanders?

A. In Indiana, Mr. Dodd; in Kentucky, Bullitt; in Illinois, S. Corning Judd; in Missouri, Mr. Hunt.

Q. What position in the order did P. C. Wright hold?

A. He was the first Supreme Commander.

Q. Did you learn the position of Barrett?

A. He was said to be chief of staff to Mr. Vallandigham?

Q. What was Piper's position?

A. He said he had an appointment on Vallandigham's staff; and he was said to be a general agent.

Q. Did you know Hines?

A. No, sir; I have heard him spoken of. He was to have had charge of the release of prisoners at Rock island, or Johnson's island. He was a captain in the rebel army, was captured, and afterwards escaped with Morgan.

Q. Did you hear of any other men co-operating with this order?

A. There was a man by the name of Mitchell, in Chicago, and there was a Dr. Massey, of Ohio. He was a grand commander of the State of Ohio.

Q. Was the Supreme Commander of the order announced officially to the lodges?

A. The name of Vallandigham was freely used on the 14th of June, in the grand council, in Indianapolis, as Supreme Commander of the order. He was elected in New York, I think, on the 14th of February, 1864. Mr. Dodd announced his election.

Q. What was done at that council?

A. A committee on military organization was appointed, consisting of Dr. Bowles, Dr. Gatling, Mr. Milligan, and two others. Dr. Athon was present at that meeting. They recommended an immediate military organization and arming. There was also an election for one major general. J. C. Walker was elected in place of Dr. Yeakle. The three other offices were filled by Dr. Bowles, Mr. Milligan, and Mr. Humphreys. The State was divided into four districts, and each was commanded by a major general.

Q. You say that the members of the order in the different States were to co-operate with the rebel prisoners when released; who told you this?

A. The leaders of the order, Dodd, Dr. Bowles, Judge Bullitt, and Dr. Kalfus, all told me so.

Cross-examination by T. M. BARTLEY, esq., on behalf of Colonel Anderson:

Q. Did you say you resided in Indianapolis?

A. Yes, sir. I resided at Louisville last summer.

Q. When and where did you join the Sons of Liberty?

A. I was instructed in the vestibule degree by a United States detective on May 15, in Louisville. I was instructed in the first degree by Dr. Kalfus, in his office, about May 15. The second degree I heard read by Judge Bullitt, who once initiated a man in Dr. Kalfus's office when I was present. He supposed I had taken the second degree and did not say anything to me about it. I was instructed in the secrets of the grand council at Indianapolis.

Q. Was there any written constitution and by-laws of this order?

- A. Yes, sir.
- Q. Were you required to subscribe to any written constitution?
- A. There were obligations in the ritual that the members were required to take.
- Q. Did you subscribe to them?
- A. No, sir; I did not subscribe my name to anything.
- Q. Do you say that the constitution, ritual, and by-laws were printed?
- A. Yes, sir.
- Q. Have you a copy, sir?
- A. I have not with me.
- Q. Can you furnish a copy?
- A. I believe the court has copies of some of them; they had in the cases at Indianapolis.
- Q. Was that constitution, by-laws, and ritual correctly printed?
- A. It was, so far as it extended. It did not extend to the military part.
- Q. Was there any written constitution to the military department?
- A. No, sir; the pass words, and colloquies were not printed.
- Q. What did the military organization consist of?
- A. It consisted of military officers.
- Q. Was there any written obligation whatever connected with the military organization?
- A. There was not; but the members of the order were forced to implicitly obey their superiors; their obligation required that.
- Q. Was that obligation in writing?
- A. Yes, sir.
- Q. Was it in the printed book that contained the constitution and by-laws?
- A. Yes, sir; that was in the printed book.
- Q. Did they subscribe to that when they took the oath?
- A. They subscribed to nothing.
- Q. Was this an oral obligation, then?
- A. Yes, sir.
- Q. What did this military organization do in regard to disciplining and drilling men?
- A. They did nothing that I personally know of.
- Q. Have you any knowledge of the men being drilled?
- A. No, sir; I have not.
- Q. Have you any knowledge of any steps being taken to discipline the military organization of the order?
- A. Nothing more than that the members were to obey their superiors.
- Q. Is that all you know upon that subject?
- A. Yes, sir.
- Q. Did that consist in the oral obligation which was administered when they were admitted?
- A. Yes, sir.
- Q. Did you ever have any orders given you, by the superiors to whom you have referred, to obey, in a military point of view?
- A. I do not know that I ever did.
- Q. How many degrees did you take?
- A. I took four aside from the vestibule—that was not counted as a degree. I took three temple degrees and the grand council degree.
- Q. What degrees were there that you did not take?
- A. I was told there was a supreme council degree; I did not take that.
- Q. Did you aid in carrying on this organization?
- A. So far as I was instructed, I did.
- Q. Who were you instructed by?
- A. By Judge Bullitt, Dr. Kalfus, Mr. Thomas, and other leaders.

Q. What did you do to forward the order?

A. I gave the members instructions, as they were given to me, as to what they were to do.

Q. Did you advise any persons to join the order?

A. I did not.

Q. Did you propose to any persons to join?

A. I did to such persons to whom I was sent by members of the order for the purpose of initiating them.

Q. Do I understand you to say that you applied to Colonel Anderson to become a member of the order?

A. No, sir. Dr. Kalfus told me he had initiated him in the vestibule and first degree, and told me to initiate him in the second and third degrees. I did that after satisfying myself that he had taken the other degrees. I had met him once or twice before.

Q. Had you conferred with him on the subject of the order?

A. I do not remember that I had.

Q. Did you explain to Colonel Anderson the objects of the order?

A. Yes, sir.

Q. What did you inform him was the object of the order?

A. I said it was a military organization for the assistance of the southern armies.

Q. Do you recollect his asking you whether there was anything treasonable or not in the order?

A. I do not remember.

Q. Do you not remember stating to Colonel Anderson that there was nothing treasonable in the order?

A. I do not remember that I did.

Q. At the time you conferred these degrees upon him, or preliminary to that, did you not inform Colonel Anderson that there was nothing treasonable in it.

A. Before conferring those degrees upon him, I did not inform him anything about it.

Q. Did you not inform him anything about it?

A. No, sir. Colonel Anderson came in the office one morning, and Dr. Kalfus told me to take him into the private room and give him the second and third degrees; which I did.

Q. Were you not present when Colonel Anderson inquired of Dr. Kalfus whether there was anything treasonable in the order?

A. I do not remember of his inquiring of anybody whether there was anything treasonable in the order?

Q. Do you not remember Colonel Anderson saying that he had taken the oath of allegiance, and he desired to take no step that would be inconsistent with the obligation which he had taken?

A. I do not remember that he ever said he had taken the oath of allegiance. I remember his saying that he was under bonds to the United States government.

Q. Do you remember his saying that he desired to take no step inconsistent with the position he was then in?

A. I remember he said he wanted to exonerate himself from those bonds to the government, and that he first applied to Colonel Farleigh, asking him how that could be done, and that the colonel told him that the only chance was to go to a northern prison and be exchanged, or (he or the colonel conceived the idea) be banished to Canada.

Q. Do you not know the fact that Colonel Anderson was very much annoyed from the fact that his position lost him the confidence of both sides—one side calling him a federal spy, and the other unfaithful to the Union; do you remember that circumstance?

A. I remember that he said he was writhing under the agonies of injustice at not being with them. I do not remember that he was annoyed by any expressions of Union men.

Q. Do you not remember anything of that kind ?

A. No, sir ; I do not.

Q. When Colonel Anderson desired to rid himself of his bonds or obligations, did you understand that his object was to put himself in a position to return to the ranks of the rebel army, or to go to Mexico ?

A. He was going through Mexico to the rebel army.

Q. When did he tell you that ?

A. He told me that after he became a member of the Sons of Liberty.

Q. Where was it ?

A. In Dr. Kalfus's office.

Q. Who was present ?

A. Nobody but Dr. Kalfus and myself. At the first interview with Dr. Kalfus, after the colonel and he had conversed on the subject of banishment, he mentioned it to Dr. Kalfus. The doctor said that if it was known at the post headquarters he would be arrested.

Q. In whose confidence were you acting at that time while you were connected with the federal service ?

A. Colonel Farleigh.

Q. Where was he ?

A. He was commander of the post at Louisville.

Q. How many persons did you initiate in this order ?

A. I suppose from fifty to seventy-five.

Q. Did you at the time believe it to be a treasonable organization ?

A. Yes, sir.

Q. Why were you initiating and helping to get men into this order if you found it to be a treasonable organization ?

A. The by-laws of the order required that a man should never be initiated unless he was properly vouched for. I never initiated a man without there was some person, whom I knew to be a member of the order, brought him to me and vouched that he was a suitable member to be initiated. If a man was vouched for, I gave him the degrees. I never initiated but one man who was not vouched for, and I had known him ever since the rebellion began, and knew him to be a rebel of the deepest kind.

Q. Were you not aiding men to come into this treasonable organization ?

A. I gave them the degrees when they were presented to me and were properly vouched for, as men suitable to become members.

Q. Why did you not, as a loyal man, prevent men from coming into this order ?

A. I did not exert my influence to prevent anybody from coming into it.

Q. Why did you not exert your influence against allowing any one to come into that order ?

A. When a man was brought to me and was properly vouched for, I gave him the degrees without asking him any questions whatever.

Q. Then you assisted men in coming into the order, did you not ?

A. Yes, sir ; by giving them the degrees when they were properly vouched for.

Q. Were you acting under a deceptive garb at that time ?

A. You may call it that, as you have a mind to.

Q. Will you answer my question ? Were you acting under a deceptive garb at that time ?

A. I was a United States detective.

Q. Were you acting under a false pretence ?

H. Ex. Doc. 50—16

A. I suppose I was.

Q. Do you not know that you were ?

A. Yes, sir ; I know I was.

Q. Why did you not answer my question direct, at once ?

A. I supposed the position I occupied was perfectly well known.

Q. Do you mean known to the members of the order ?

A. To the members of the court.

Q. Do you not know that it was not known to the men whom you were deceiving ?

A. I know, of course, it was not known to them that I was a United States detective.

Q. Do you not know that your influence and position, as a man in that order, was aiding in getting men into this order ?

A. No, sir ; I do not know that it was, because the majority of men that I initiated were entire strangers to me—brought to me by men whom I knew to be members of the order—but most of the men I did not know ; I had not seen them before, nor have I seen them since, that I know of.

Q. Do you say that this organization was intended to assist the rebel army ?

A. Yes, sir.

Q. In what way were they to aid the rebel army ?

A. By co-operating with it.

Q. In what way ?

A. By armed forces.

Q. Were they to furnish soldiers for the rebel army ?

A. They were to furnish men who would co-operate with the regular soldiers of the rebel army.

Q. Where and when were they to co-operate with the rebel army ?

A. They were to co-operate with it in Kentucky and Missouri.

Q. When ?

A. At any time when the leaders of the order and the authorities of the rebel army might deem fit and proper.

Q. Who did you learn that from ?

A. I learned that from Dr. Bowles, Judge Bullitt, and Mr. Dodd.

Q. Where is Judge Bullitt now ?

A. I do not know.

Q. Where is Dr. Bowles ?

A. The last I knew of him he was on trial before a military commission at Indianapolis.

Q. Where was it that Judge Bullitt informed you of this ?

A. In Louisville.

Q. At what time ?

A. On several different occasions in July last.

Q. And they were to co-operate with the rebel army when their chief officers gave them orders to do so, were they ?

A. Yes, sir.

Q. Did you learn when that was to be ?

A. The last time set was the 16th or 17th of August.

Q. How long did you continue in the service of the order ?

A. Until the time when the leaders were arrested in Louisville, which was about the first of August.

Q. Were they arrested on the information which you gave ?

A. I do not know, sir ; I suppose they were. I was never informed.

Q. Do you not know on whose information they were arrested ?

A. I suppose they were arrested on my information.

Q. Did you assist in their arrest ?

A. I was not in the city at the time of their arrest. I did not know they were going to be arrested at the time they were.

Q. To whom did you furnish the information upon which they were arrested?

A. To Lieutenant Colonel Farleigh, at Louisville, and General Carrington, at Indianapolis. That was in June, July, and about the first of August. I think the last interview I had with General Carrington was on the 2d or 3d of August.

Q. When did you commence to act with this organization?

A. In May.

Q. When did you initiate Colonel Anderson?

A. I think between the 1st and 10th of June.

Q. Where?

A. In the private room of Dr. Kalfus's office.

Q. How long had he been at Louisville, after his return from Canada, before you initiated him?

A. He had not been to Canada, that I know of, at that time.

Q. Was he initiated before he went to Canada?

A. Yes, sir.

Q. How soon did he leave for Canada after you initiated him?

A. I do not know, sir. The last I saw of him was, I think, about the first of July.

Q. Did you see him in September?

A. No, sir.

Q. Were you in Louisville in September?

A. I was there a few days, but was not living there. I was not there more than three or four days during the whole month.

Q. Did you confer two degrees on Colonel Anderson?

A. Yes, sir; the second and third temple degrees.

Q. How long were you conferring those degrees?

A. Probably half an hour, maybe not quite so long.

Q. Were they not irregularly and hastily conferred?

A. No, sir.

Q. Are they usually conferred in so short a time as that?

A. They are conferred in a very short time, generally.

Q. Did you give him the signs, grips, and pass-words?

A. I did.

Q. Did you administer the obligations?

A. Yes, sir.

Q. Do you say that this order ceased in August?

A. Yes, sir; after the arrests in Kentucky I knew nothing more about it.

Q. Was the object of the organization, to assist the southern army, a matter contained in the constitution and by-laws of the order?

A. No, sir, it was not.

Q. Did you learn, from the three gentlemen you have named, that that was the object of the order?

A. Yes, sir; and from other leaders.

Q. Were you instructed to make that statement to the men you initiated?

A. Yes, sir; whenever I considered them reliable I was instructed to do so.

Q. Who vouched for Colonel Anderson when he was initiated?

A. Dr. Kalfus told me he had initiated him in the first degree.

Q. Who vouched for him?

A. Dr. Kalfus. But there were, in fact, no vouchers required after they were initiated in the first degree.

Q. Did it not require any assurance for the more advanced degrees?

A. No, sir; nothing more than to satisfy that he was a first degree man.

Q. Were you instructed by the superior officers in the order to inform the

candidates for initiation that the object of the order was to aid the southern army ?

A. Yes, sir ; I was instructed to give them those instructions after initiating them.

Q. Did you uniformly do that ?

A. In all cases I did not.

Q. Did you generally ?

A. Yes, sir.

Q. Was that done by other persons who initiated men ?

A. I think it was. It was done by Dr. Kalfus ; he generally went more fully into it than I did.

Q. Was it the military or civil part of the organization that was to assist the southern confederacy ?

A. The military.

Q. What was the civil organization to do in that regard ?

A. I do not know that anything was said explicitly about the civil organization ; after I became a member the attention was mostly devoted to the military portion of the organization.

Q. Was it all military ?

A. The most of it was after I became a member.

Q. How far had you a knowledge that this organization was actually armed ?

A. I had no knowledge except that I knew some of the members in Louisville had arms.

Q. Were there not a great many persons who had arms who were not members of the order ?

A. Yes, sir ; but these were arms furnished by the organization.

Q. What kind of arms ?

A. A revolver or two is all that I know anything about. I knew very little about the arming of it.

Q. Do you mean that one man or two men were to have two pistols ?

A. I mean one member of the organization furnished a revolver for another member to use.

Q. What use were they to make of it ?

A. They were to kill negroes.

Q. Was that one of the objects of the order ?

A. I do not know that that was explicitly one of the objects of the order ; the members sometimes branched off into that subject.

Q. Was that mentioned among the objects of the order ?

A. No, sir, not specifically, except United States colored troops.

Q. Have you any knowledge of Colonel Anderson having any connection with this order, except receiving the degrees from you ?

A. No, sir ; I do not know that I have any knowledge of any active connection.

Q. Had any further steps been taken by the organization in Kentucky, except what you have already stated, before the arrest of the leaders ?

A. I do not know of any other steps in Kentucky.

Q. This organization, I understand you, was abandoned ?

A. No, sir ; the leaders were arrested.

Q. When was the organization in Kentucky broken up ?

A. I do not know that it has been abandoned at all. I saw a member in Louisville some two weeks after the members were arrested in Louisville—a Mr. Bosl y, of Christianburg—and he told me they were at work as rigorously as ever.

Q. What was it you said was abandoned ?

A. The uprising failed, I said, on the 16th or 17th of August.

Q. Was an uprising anticipated at that time ?

A. Yes, sir; it was intended.

Q. Did that fail?

A. It was not carried into effect.

Q. Do I understand you to say that you have no knowledge of Colonel Anderson's having any connection with the order than what you have already stated?

A. No, sir; I have not.

Cross-examination by ROBERT HERVEY, esq.:

Q. You have stated that you were informed that there was to be an uprising some time in August?

A. Yes, sir.

Q. You have also stated that that was put an end to by the arrest of the leaders, as you have described?

A. I do not know why it was put an end to. There was no uprising that I ever knew of.

Q. When was the arrest of Judge Bullitt and the other gentlemen you have spoken of?

A. Judge Bullitt was arrested July 30; the other gentlemen were arrested the 1st, 2d, and 3d of August.

Q. Have you stated that you believed that was upon information given by you?

A. Yes, sir.

Q. From that time, sir, did you cease to have anything further to do with the operations of the Sons of Liberty?

A. I never had anything further to do with it.

Re-examination by the JUDGE ADVOCATE:

Q. Do you know of arms arriving at Indianapolis, at late as September 21, for this order?

A. I know nothing more than I was told.

By the COURT:

Q. Was there a fee paid upon initiation?

A. One dollar was paid on taking the first degree, \$1 50 for the second, and \$2 50 for the third; making \$5 for the three degrees.

Q. How many degrees did any person have to take before entering the grand council?

A. They had to take three degrees; they could be elected a member of the grand council after taking one degree, but they could not be initiated in it till they had taken the three degrees.

Q. Who were *ex officio* members of the grand council?

A. I do not know that there were any *ex officio* members in the grand council. The military leaders were *ex officio* members from the grand council to the supreme council.

Q. Who else were elected to the supreme council?

A. The grand commander and two members from each State were elected.

Q. Did that constitute the supreme council?

A. Yes, sir.

Q. Did Colonel Anderson pay any fee when he was initiated?

A. I do not know whether he did. There were a great many in Kentucky who were not required to pay any fee.

Q. Why?

A. They wanted to get the order as thoroughly organized as possible, and they were not so particular.

Q. Did any one have a salary?

- A. Not in Kentucky.
 Q. Did you get any salary?
 A. I was promised.
 Q. Did you get any money?
 A. I got some small travelling expenses paid me.
 Q. How much were you to get?
 A. Some \$800 a year.
 Q. You have stated that you had your travelling expenses paid; were you travelling on the business of the order?
 A. Yes, sir, for the purpose of organizing county Temples.
 Q. How many county Temples did you organize?
 A. Two.
 Q. Did you have any travelling expenses besides that?
 A. I travelled through the States a great deal, but did no business.
 Q. How much money in all did you get from the organization?
 A. Near \$200.
 Q. How long were you organizing these county Temples?
 A. I was a day at each place.
 Q. How much time did you, in all, labor for the organization?
 A. While I was a member I devoted my whole time to it; from about the 15th of May until August 1. It may have been from the last of May.
 Q. Did you make any addresses or lectures to the order?
 A. No, sir; I did not.

Re-examination by the JUDGE ADVOCATE:

- Q. Were you, or any of the members of this order, sent from Indiana to a meeting at Hamilton when the supreme commander returned there?
 A. I was not sent there; I went there.
 Q. Who was sent there by the order?
 A. Mr. Dodd called on the members of the meeting that day to know who would volunteer himself to be one person to go there and assist in the murder of Mr. Coffin.
 Q. Who was he?
 A. A United States detective.
 Q. Had he been initiated in the order?
 A. He had turned round against the order, I understood.
 Q. Who did you say volunteered to do the work?
 A. Mr. Dodd volunteered to go himself, and wished to know who would go with him.
 Q. Who went with him?
 A. A Mr. McBride was going, but as he was acquainted with Mr. Coffin he did not wish to, so Mr. Milligan, Dr. Bowles and I went.
 Q. Did Dodd go to the Hamilton meeting?
 A. Yes, sir; and Dr. Bowles, Milligan, and myself.
 Q. Was Coffin there?
 A. They said they could not find him.
 Q. Who told you that?
 A. Mr. Dodd and Dr. Bowles.
 Q. What was that meeting at Hamilton?
 A. A meeting for the appointment of delegates to the Chicago convention, I think.
 Q. Who addressed that meeting?
 A. Mr. Devlin and Mr. Vallandigham.
 Q. Where had Mr. Vallandigham been before going to Hamilton?
 A. He had just returned from his exile in Canada.
 Q. Do you know whether Mr. Dodd, Dr. Bowles, and Milligan had any communication with the supreme commander that day?

A. I heard them say that they had spoken to him, but I do not know what business they despatched with him. Dr. Bowles went to Dayton that evening with Vallandigham; he told me he was going on the cars.

Q. Was Mr. Dodd the grand commander of Indiana?

A. Yes, sir.

Q. Was Dr. Bowles a major general?

A. Yes, sir.

Q. Was Dr. Milligan a major general?

A. Yes, sir.

Q. Was Vallandigham supreme commander?

A. Yes, sir.

Q. They were there for the purpose of murdering Coffin, were they not?

A. Dodd did not go for that purpose but Drs. Milligan and Bowles went for that purpose.

Q. Had Dr. Bowles previously made any threats?

A. He said he would put two men on Coffin's track.

Q. Who initiated Coffin into the order?

A. It was through Dr. Bowles's instrumentality that he came into the order.

Q. How did he come to say that?

A. I was sent to Louisville to inform Dr. Bowles that he was a United States detective; it was said, as he had introduced him into the order, he ought to get him out of the way. He replied that he would put two men on his track, telling them not to be the least uneasy, and if he ever came down that section of country again he would trouble them no more. I told that to Mr. Vallandigham.

Cross-examined by ROBERT HERVEY, esq.:

Q. Had any of these defendants here any connection with the murder of Coffin?

A. No, sir; none of them.

JAMES O. BROADHEAD, a witness for the government, was then introduced, and being duly sworn by the judge advocate, testified as follows:

By the JUDGE ADVOCATE:

Q. State your name, residence, and whether you have recently held any official position under the government; if so, what?

A. James O. Broadhead; I reside at St. Louis; I held the position of lieutenant colonel of the third regiment of Missouri cavalry, and I was provost marshal general of the department of the Missouri from the 1st of June, 1863, to the 1st of January, 1864.

Q. What position are you now acting in with reference to any of the accused at the bar?

A. I am acting as counsel for Vincent Marmaduke.

Q. Were you acquainted with him in Missouri?

A. Yes, sir, intimately.

Q. Who commanded that department, while you were provost marshal general?

A. Major General Schofield.

Q. Were you conversant with his official acts?

A. Yes, sir.

(An order was here handed to the witness.)

Q. State if you are cognizant of an order having been issued by General Schofield, expelling Vincent Marmaduke from the State as an enemy of the government; and if so, state if that is a copy of the order.

A. That is, I suppose, a copy of the order; though I cannot say that I had official knowledge of it at the time, I know of the fact.

The judge advocate here introduced in evidence the Special Order, headquarters department of the Missouri, St. Louis, June 25, 1863, said order marked B B, hereto attached and made part of this record.

Cross-examination by T. D. LINCOLN, esq.:

Q. State the circumstances attending the issuing of that order?

A. Vincent Marmaduke, at the time this order was issued, was a member of the Missouri State convention, which was called in 1861, and remained in session for about two years. Mr. Marmaduke was a resident of Sabine county in the district commanded by General B. Loan. General Loan, for reasons best known to himself, but never, I believe, publicly stated, sent Mr. Marmaduke out of the district, and limited his parole to the city of St. Louis, and the loyal States. This was the position occupied by Mr. Marmaduke at the sitting of the State convention. I was at the time acting as provost marshal general of the department, and Mr. Marmaduke made me a written application to extend his parole to Jefferson City, to enable him to take his seat in the convention. I was at the time on the eve of leaving for the convention, and left the whole matter to General Schofield. The general referred it to the convention, saying he would have no objection if they had none; and the whole matter was referred to a committee. After this, Mr. Marmaduke was sent for by the general, and upon the conversation which ensued the general concluded to issue that order. Mr. Marmaduke was required to take the oath of allegiance then administered in Missouri, and he declined. It was on this ground that he was ordered beyond the lines. It was the policy pursued in Missouri at the time against many persons against whom no charges were preferred. The state of affairs in Missouri at that time was more delicate perhaps than in any other section of the country. Mr. Marmaduke was, under these circumstances, sent south, and was put through the lines at Vicksburg.

Q. Was he ever in the confederate service?

A. No, sir.

Q. Did he not vote against secession in the convention.

(Question objected to and withdrawn.)

Q. You are pretty well acquainted with Mr. Marmaduke, are you not?

A. I have known him for several years. He was a member of the same convention as myself, in 1861, and sitting with me in four sessions of that convention; I am very well acquainted with him.

Q. What was the general character of Mr. Marmaduke?

(Question objected to and withdrawn.)

Q. If Mr. Marmaduke had desired to go into the confederate service, had he not abundant opportunities.

(Question objected to and withdrawn.)

Q. What was the reason of his not taking the oath?

(Question objected to and withdrawn.)

Q. Was not that convention called with the general belief that it was for the purpose of getting Missouri out of the Union?

(Question objected to and withdrawn.)

Q. Did the members of the convention take the oath of allegiance?

(Question objected to and withdrawn.)

Q. Did not Mr. Marmaduke constantly vote in that convention against taking Missouri out of the Union?

(Question objected to by the judge advocate as irrelevant and immaterial.

The court was cleared for deliberation. On being reopened the judge advocate announced that the objection was sustained.)

By the JUDGE ADVOCATE:

Q. How do you know that the accused Vincent Marmaduke was not in the confederate service?

A. I cannot say of my own knowledge that I know he was not; but I have a belief, amounting to a moral conviction, that he was not. I could not say positively that he was not in the confederate service unless I had an opportunity of examining the rolls of that service. I know, besides, that he was in Europe. I conversed with a lady who had seen him while he was there.

Cross-examination by Mr. LINCOLN :

Q. Have you anything more than a belief that that order of General Schofield was issued ?

A. That is all; I did not see it written nor signed by General Schofield, and only saw it after it was signed and copied.

The commission adjourned to meet on Monday, February 13, 1865, at 2 o'clock p. m.

COURT-ROOM, CINCINNATI, OHIO,

February 13, 1865—2 o'clock p. m.

The commission met pursuant to adjournment.

All the members present; also the judge advocate, the assistant counsel, the accused and their counsel.

The proceedings were read and approved.

WILLIAM HULL, a witness for the government, was then introduced, and being duly sworn by the judge advocate, testified as follows :

By the JUDGE ADVOCATE :

Q. State your name and place of residence.

A. William Hull; I reside in Chicago.

Q. State whether or not you ever belonged to a secret society called the American Knights, or Sons of Liberty ?

A. I did.

Q. When did you join ?

A. Some time in January, 1864; it was then called the American Knights.

Q. Who was the chief officer of the order at that time ?

A. Mr. Cassill was officiating as Grand Seignior; he was not the presiding Grand Seignior; Mr. Charles Patten was.

Q. Who was his successor in that office ?

(Question objected to, as being prior to the time mentioned in the charges and specifications, and withdrawn.)

Q. State whether or not a person belonging to the order, by the name of Doolittle, was an officer or a subordinate.

(Question objected to for the same reason, and as being not relevant to the issue.

The court was then cleared for deliberation. On being reopened, it was announced by the judge advocate that the objection was overruled.)

A. Yes, sir; I know a Mr. L. A. Doolittle, who belonged to this order; he was an officer, and was appointed to the Grand Council.

Q. Please state whether or not you ever heard Doolittle make a speech to the order; if so, what he said.

A. I heard him make several speeches.

Q. State whether or not the order of American Knights was changed to any other name; if so, what.

A. Yes, sir; it was afterwards called the Sons of Liberty.

Q. Did this Mr. Doolittle belong to the order when it was called the Sons of Liberty ?

A. Yes, sir.

Q. Did he ever address that order?

A. Yes, sir; frequently.

Q. Which order?

A. The Sons of Liberty.

Q. When was the first time you heard Doolittle address the order of Sons of Liberty?

A. I cannot state the precise time; I have heard him make a great many speeches, perhaps as many as twenty-five or thirty.

Q. Do you know whether Mr. Vallandigham was a member of this order?

A. I heard Doolittle say that he was.

Q. Did you hear Doolittle make a speech to this order after Vallandigham became a member of it?

A. I did not know that he was a member till I heard Doolittle make a speech.

Q. Was that speech made after Mr. Vallandigham became a member of the order?

A. Yes, sir.

Q. Will you state what was said in that speech?

(Objected to by Robert Hervey, esq., as incompetent against the accused.

The court was then cleared for deliberation. On being reopened the judge advocate announced that the objection was overruled.)

A. He commenced in his usual style, saying that the administration was a usurpation, &c.; he then spoke of his visit to Canada, and said that he had visited Mr. Vallandigham; that he had a long conversation with him in Canada, and that Vallandigham told him he belonged to this order. Doolittle also said that from Canada he went to Washington city, and had conversation with government officials and officers; I inferred from what he said that he went there to ascertain what would be the general feeling if Vallandigham came back to the States. He said that our order was pledged to protect Vallandigham in the event that the President should re-arrest him; that we were all sworn to protect him, as he was a member of this order. He also said that if it had not been for the position that Grant's army, Lee's, and other armies held to each other, there would have been a general uprising of this order throughout the United States; that it was to take place some time in August of 1864.

Q. Was anything said about local matters in Chicago?

A. I think that he said something about Camp Douglas. He seemed to understand how the guns were situated; he described Camp Douglas and said that it was only protected on one side, and was accessible on two sides, and that it would be very easy to make a descent on the camp, and let out the prisoners.

Q. Was any plat of the camp shown at the time that he described Camp Douglas?

A. I do not know that it was at that time, but I saw a plat of the camp shown at the meeting at one time.

Q. By whom was it shown?

A. I remember the party, but could not call him by name; he was a new member and had lately been taken into the order.

Q. Can you name any persons who were present when this speech about Camp Douglas was made?

A. Dr. Ayer, Mr. Strawn, Mr. Morrison, and Mr. Wilkinson, I remember were there.

Q. Was the plat shown previously, or subsequent to that?

A. Subsequent, I think.

Q. Have you ever seen Judge Morris present in the order of Sons of Liberty, and has he ever made speeches there?

A. Yes, sir; he has frequently made speeches.

Q. Was he present in the month of August last?

A. Yes, sir; he was, I think; I am not positive.

Q. Have you heard him speak since the month of August?

A. Yes, sir.

Q. State what he said.

A. At a Thursday meeting Mr. Charles Patten was asked by some member of the order for information as to the number initiated in the order in Chicago and throughout the State; he objected to the question, and said it was not necessary that members should know these things; that none but those who belonged to the higher offices of the order should know anything about the work and plans of the organization; and he said that at the next meeting there would be a member present who would give us some information as regards the progress of the order. I heard Judge Morris speak at the next Thursday night meeting.

Q. State what he said on that occasion.

A. He said there were about 75 to 80,000 belonging to this order in the State of Illinois, and that in some parts of the State they were drilling and arming, and that every night they met, and were preparing for any event that might occur. He spoke of the President's usurpation, but I do not remember the precise language used. He spoke of waging war against President Lincoln's bastiles, and of letting loose our friends incarcerated in those bastiles; that we had some 25,000 pure friends; that our best citizens were there incarcerated, and were rotting in those bastiles, and that we should burst open the doors and let the prisoners go free. That is about the sum and substance of what was said in that speech.

Q. Did you hear any other speech?

A. Yes, sir; about four weeks prior to the election.

Q. State what was said in that speech.

A. He commenced, in his usual style, on the administration and its usurpations, and said, also, that he did not favor the nomination of McClellan, but at the same time he would support him, as he had received the nomination; and, I believe, he said he would have preferred a peace man to McClellan; that his personal choice was Thomas Seymour, of Connecticut, he being a member of this order. He also spoke of the parties nominated for governor and lieutenant governor, Robinson and Judd, both being members of the order; that they were both our friends, and it would be better for us to elect them as they would control the State, and that then we would not furnish Lincoln with any more soldiers to fight his wars. He also spoke of the State of Indiana in the same sense.

Q. Did he speak about the camp?

A. He said we had friends in Camp Douglas that were Puritans, or betters, beside Lincoln's hirelings; he also stated that when let loose these prisoners would give the abolitionists "hell under the shirt-tail, and send them all to hell in a hand-basket."

Q. How was this speech received in the order?

A. It was responded to by cheers and clapping of hands.

Q. Was there any opposition to it by any person?

A. No, sir; I made a few remarks in regard to people outside speaking; I thought such inflammatory speeches made outside by the leading men of our party did not tend to promote the democratic cause, but tended to injure it, and I thought we could do more to help the cause along by private conversation and reasoning with persons than by making such inflammatory speeches. I did not direct my conversation to the judge, but I meant that he should take the hint if he would. At the time Judge Morris made this speech he acted as Grand Seignior.

Q. Who was present?

A. Strawn, Morrison, Mr. Duncan, and others that I cannot now call to mind.

Q. Did you ever know a man in the order by the name of Williams?

A. Yes, sir; he belonged to the order, but not to our Temple.

Q. Did he make a speech? If so, state what he said.

A. He made a speech, I think, some time in July, about the time the grand council met in Chicago; members from different parts of the State were present; there were several other members from his section of the country who also were members of the grand council. Mr. Williams made a speech, and spoke against the President, the administration, and the usurpation, &c., in a very derogatory manner, and also gave us an account of the Coles county murders; he said he was present; he said this order came in from the country with their wagons, and came prepared to fight in case they should be molested. They had a meeting, and they anticipated they would have a fight. They laid their guns in the bottom of their wagons, and covered them over with straw or hay; and they also brought ammunition. They drove their wagons inside the court-house yard, so that in case they got up a fight they could get at them at a moment's warning. He said there were a good many Union soldiers there, and that they interrupted the speakers, and that some of their party interfered with them, and then somebody fired a pistol, and the fight commenced. He said the Sons of Liberty got the best of the fight, and that more were killed on either side than the papers ever gave an account of; that they did not want it known that there were so many killed. He also stated that he took a hand in it, and helped to take care of the wounded friends, and helped carry them away.

Q. In any of the speeches made by Judge Morris before the order, did you ever hear him speak of a man by the name of Gray?

A. Yes, sir.

Q. Who was Gray?

A. He was a member of this order of Sons of Liberty; he lived in Jefferson county, which is in the southern part of the State; he said this man had been spirited away by the abolitionists, and that they had been notified by members of this order that unless he was forthcoming they would set fire to their houses and burn them up, and Judge Morris hoped that the members of the order in Chicago would do the same.

Q. What, if anything, was ever said in the order about furnishing money for those who would join the southern army; if so, by whom?

A. I have heard members of our order say that there was money there, sent for that purpose, and that they would send them through their lines, and furnish them with money.

Q. State what you know about furnishing boarding-houses for members of the order during the sitting of the convention there, or at any subsequent time.

A. I met Mr. Cassill some time during the sitting of the Chicago convention. The first time I met him he was in company with Mr. Wilkinson, a member of the grand council from Coles county. I afterwards met him alone, and he spoke to me about finding some good democratic boarding-house, and said that Judge Morris could not furnish enough boarding room for southern friends, or southern officers and southern men, and that if I found such places to let Judge Morris know.

Q. Who was Cassill?

A. He was a printer and lived in Chicago; he was a member of the grand council.

Q. State what was said or done with reference to getting railroad and telegraph men into the order.

A. There was something said about this when some telegraph or railroad men were initiated into the order; he said that it was a good idea; that we should endeavor to get as many railroad men into our order as we possibly could, so that in case we should wish to bring men over the road we could control it; he also spoke about getting as many telegraph men into the order as possible, then

we could control the telegraph offices. Mr. Patton also sanctioned that idea, he being chairman on that occasion.

Q. Were you present at a meeting of the order Thursday evening, November 3? If so, what occurred?

A. I was. Mr. Semmes said that he had been requested to give notice of a meeting to be held at the Invincible Club hall, corner of Clark and Monroe streets. Some debate then ensued, whether they could obtain the room; they then agreed to have a committee appointed to ascertain whether the hall could be obtained on Sunday night. They spoke about giving notice to the members through the papers; some of the members objected to that, saying it would make it too public, and attract too much attention. Then Mr. Charles Walsh rose and said that he would take it upon himself to notify a large portion of the members, as he knew their places of business, and requested that members present, seeing others who were not there, would notify them. That was all that was done of special importance.

Q. Did you attend the Sunday evening meeting?

A. Yes, sir; it took place on the 8th. We met about 8 or 8½ o'clock p. m. The meeting was called to order, Mr. Obadiah Jackson in the chair, Mr. Doolittle secretary. After the meeting was called to order, the question was asked what it was called for. Mr. Rivington (a young man) arose before this question was decided upon, and said that he and a friend of his had been acting as detectives; that they had seen a great many strangers in the city, and that they had gone in different directions throughout the city to places where they were; that they had had conversations with some of them and ascertained that they were brought into the city to vote the republican ticket; that they were brought there for that purpose by the republican party. Mr. Wilkinson then arose and said that he could assure the gentleman that he was wrong; it was not so; that he himself had brought some of these men to the city to vote the democratic ticket; that he could assure us they were all right—all democratic, and came there to vote the democratic ticket. Then I rose and asked the president how it was that this Mr. Wilkinson knew so much more of the business of the order than other members who did not seem to know anything about it. Then Mr. Walsh arose and stated that those men were brought in through his order; that they were brought to vote and fight, and he cautioned the members about challenging them.

Q. Did he say they had all come?

A. He did not say they had all come.

Q. Was anything said whether there were any more of them?

A. I understood there would be more come in. I understood Mr. Wilkinson to say, in private conversation, that he was then going east and had been west; those were words that were frequently used in the order.

Q. What was the meaning of that phrase?

A. I do not know, sir. I supposed that he was going east on the same business that he went west, to bring men for the purpose of voting. I understood that he was going to New York, Boston, Philadelphia, and other cities in the east, to bring men to vote.

Q. What further was done?

A. Some members arose, who did not like debating these questions, objected to it, and said that he wanted to proceed to business and stop the debate; that it was no time to debate those questions, but that we had business to transact, and we should transact it and dismiss. The president was asked to inform the meeting how many members had arms and how many had not; how many were able to arm themselves and how many were not; those who were not able to arm themselves would be furnished with pistols. Upon this I think I arose, and asked where the arms were to be had. Mr. Charles Walsh then got up, and said that he had the arms himself, at his own house. As it was rather a

delicate matter to ask each one if he could arm himself, it was requested that they would write their names on a slip of paper and hand it to the secretary, who would register their names, which was done. Then it was suggested that these arms should be sent to Mr. Geary, at his place of business, his store. He consented at first to have them sent, but after thinking the matter over he said that he thought it would not be safe to send the arms to his store; that his store was so public it might be observed. The idea was finally changed, and it was agreed to send them to Mr. Hubbard's office; on Monday morning at 9 o'clock precisely the members were requested to go there and receive their arms.

Q. Was any arrangement made as to how you were to recognize each other?

A. Some debate took place in regard to the kind of badge we should wear. One young man (Mr. Rivington) spoke of wearing a blue ribbon upon the right top of the coat collar. It was afterwards thought it would be noticed, and they then agreed upon a McClellan badge, to be worn on the right top of the coat collar instead of the left, (as was usually done,) so that they could distinguish each other.

Q. What was done in the order as to the release of the Chicago prisoners?

A. I do not know that I can state. I have heard it spoken of a great many times by different members of the order, not any one in particular; the subject of the release of the prisoners was talked of a great deal; it seemed to be the common talk every night of our meeting.

Q. What was your position in the order?

A. I held no position at all; I was only a member.

Q. Did you ever act, at any time, as a detective, or did you join it for that purpose?

A. I did not. I joined it as a political organization, through the instance, as I have said, of C. C. Strawn; I joined it as a democratic organization.

Q. Did the same feeling continue with you as long as you remained in it?

A. No, sir.

Q. When did you first find out it was anything else than a democratic or political organization?

A. I had not been in a great while before I found that out—I might say the first night, almost, I went into it.

Q. Did you leave, or continue a member of it?

A. I continued in it until the last meeting was held.

Q. While you continued in it, had you any communications with the government as to divulging anything to anybody?

A. I did not, sir.

Q. Why, then, did you continue in it after you found it was a treasonable organization?

A. I suggested the idea to a friend of mine about withdrawing, but he persuaded me not to do so, and said it would be well for me to remain in; and I also thought so. I wanted to know what their real intent and purpose was; I never came to a full conclusion as to what they really intended to do—whether they intended to get up a rebellion in the north, or not. And I remained in—I must acknowledge, I remained in to get that information, so as to satisfy myself in regard to what the organization was intended for.

Q. Did you meet Dr. J. Winslow Ayer at any time in the order?

A. Yes, sir.

Q. Did you ever hear him make a speech before the order against its objects and purposes?

A. Yes, sir, in reply to some one who spoke and used language he did not seem to like.

(Objected to.)

Cross-examination by Judge KEY :

Q. Are you pretty well acquainted with Semmes ?

A. Yes, sir. I never met him a great many times ; I have met him in the order.

Q. Did you ever at any time, either before or after the arrests on the night of the 6th of November, hear him say anything in regard to the release of the prisoners at Camp Douglas ? If so, what did he say ?

A. I saw him on Monday morning, November 7.

Q. What did he say ?

(Question objected to by the judge advocate, and withdrawn.)

Cross-examination by E. G. ASAY, esq. :

Q. How long have you lived in Chicago ?

A. Altogether about ten years.

Q. Where did you reside before that ?

A. In the northern part of the State of New York—Ogdensburg, St. Lawrence county.

Q. What business were you in there ?

A. In different kinds of business in mercantile trade. I dealt in groceries, prints, &c., at one time ; I also worked at my trade of house-building. When I left Ogdensburg I came to Chicago.

Q. What business did you go in there ?

A. I used to railroad.

Q. In what capacity ?

A. I was on the road working at my business ; I was superintendent on the Lake Shore road ; after that I was in the real estate business till 1857.

Q. What business did you go in next ?

(Question objected to by the judge advocate as immaterial, and going into matters outside the case.

The court was then cleared for deliberation ; on being reopened, the judge advocate announced to the accused that the objection was overruled.)

A. I then left Chicago, and went to St. Paul ; was in the real estate business there.

Q. How long did you remain there ?

A. I was only there during the summer season and fall of 1857.

Q. Did you leave Chicago in the spring of 1857 ?

A. Yes, sir.

Q. Where was your office in Chicago in the spring of 1857 ?

A. I did not have a regular office.

Q. Where was your irregular office ?

A. I did a brokerage business outside.

Q. Were you in the real estate business ?

A. I acted for other parties.

Q. Who did you act for ?

A. For various men ; I have done some business for C. J. Hull, and various other parties.

Q. Who ?

A. It is some time since, and I do not know that I can recall the names of the parties.

Q. Did you, at any time during the years 1856 or 1857, have a real estate office in Chicago ?

A. No, sir.

Q. Have you ever, at any time, had an office in which you did real estate business in Chicago ?

A. Partially.

Q. When was that ?

A. In 1856 and 1857.

Q. What do you mean by partially?

A. I had an office of my own at one time, and also did business with other offices that I was connected with.

Q. Who were you connected with, that you had an office with?

A. I do not know; I was not connected with anybody; I did my business entirely by myself.

Q. With whom did you have an office?

A. I told you I did not have an office. I had no connection with anybody; I did business through them. I went into their office to transact my business.

Q. Into whose office did you go in that way to transact business?

A. I was talking once of taking an interest with a Mr. Kline. Mr. Kline was doing a great deal of real estate business at that time. His first name is George; there are two brothers of them.

Q. Where did you ever have an office of your own in Chicago?

A. I had other business of my own, which I had to carry on the same time I carried on the real estate business.

Q. What other business did you have?

A. I was railroading at the same time, and also did some speculation outside in real estate.

Q. What kind of railroading?

A. I have had charge and been superintendent of a road.

Q. Of what road?

A. I have been on the Northwestern, and on the Lake Shore; I had charge of some of the work on the Lake Shore road. I have been with my brother, who is a master mechanic on the Northwestern road; his name is Thomas Hall.

Q. Were you superintendent on the Northwestern road?

A. No, sir; I said I was superintendent on the Lake Shore road.

Q. What were you superintendent of?

A. (Of the building of some of the depots and the wood buildings.)

Q. Which depot were you the superintendent of the building of?

A. I was at one time at a station, (I cannot recall the name of it,) about thirty miles from Chicago, and about twelve from Waukegan.

Q. Do you not mean you superintended the building of that little shanty about six or eight miles from Waukegan?

A. No, sir; I do not mean any such thing.

Q. What building was it that you superintended the building of?

(Question objected to by the judge advocate, and withdrawn.)

Q. How long did you continue in the employ of that road, and who employed you?

A. I was employed on that road by my own brother; he was superintendent of construction of that road; he was master mechanic of the whole road, and is to-day.

Q. How long did you continue work on that road?

A. I think only one season.

Q. Where did you go after that?

A. I did business for myself in Chicago, and built several buildings and warehouses on the north side; I was constructor. I built one warehouse for a man by the name of Abbot. I did shop work for several persons.

Q. How long did that kind of work continue?

A. All one season. I believe I did not build any more warehouses, though I remember giving a contract for others.

Q. What did you do the next season?

A. I believe I was then on the Lake Shore road, having the superintendence of some buildings, and also working for the company. I was employed by a

man who had taken the contract for some depots; afterwards the engineer employed me; that was in 1855.

Q. State what business you did in Chicago after you came back from St. Paul?

A. I went from St. Paul to New York. I returned to Illinois a year ago last June—in 1863—and then I went into the coal business; I was a general agent. I did business for myself, and had an agency for other coal dealers. I had arrangements with several coal dealers, but I cannot recollect their names.

Q. Had you an office?

A. Yes, sir.

Q. Where was it?

A. On Clark street; it is near Monroe street.

Q. Give me the name of one firm for whom you did business as an agent?

A. Robert Law was one, but I principally did my business with parties on the north side.

Q. What year was this in?

A. It was a year ago this present winter.

The commission then adjourned to meet Tuesday, February 14, 1865, at 11 o'clock a. m.

COURT-ROOM, CINCINNATI, OHIO,

February 14, 1865—11 a. m.

The commission met pursuant to adjournment.

All the members present; also the judge advocate, and the assistant counsel; also the accused and their counsel.

The proceedings were read and approved.

The cross-examination of William Hull, a witness for the government, was then resumed as follows:

By E. G. ASAY, esq.:

Q. Are you engaged in any business, at this time, in Chicago?

A. I was before I came here. I left my business to come here.

Q. What business was it?

A. I was in the cigar and liquor business.

Q. How long had you been in that business?

A. Two months.

Q. Is that the only business you have been engaged in of late?

A. Yes, sir.

Q. Where do you reside in Chicago?

A. I room on Dearborn street.

Q. Are you a married man?

A. I am a single man.

Q. Have you not a family residing in Ogdensburg, New York?

A. No, sir. My parents live there.

Q. How many persons were present at that Sunday night meeting before the election?

A. I should think there were sixty or seventy.

Q. How many of those persons do you remember?

A. I remember seeing Mr. Jackson, and Dooley, the secretary, Mr. Charlie Walsh, Mr. Duncan, Dr. Ayer, Mr. Few, Mr. Binz, and others that I do not now remember.

Q. Have you read the evidence of any of the witnesses that have preceded you?

A. No, sir; I heard some of it.

Q. Where did you hear it?

A. I heard some of it read at the table by Dr. Ayer.

Q. He detailed in your presence those whom he remembered were there, did he not?

A. I think not, sir. I think he asked me who was there.

Q. Was that before or after his examination?

A. I do not recollect.

Q. Are you aware that the names you have mentioned are the same that he detailed?

A. No, sir; I am not.

Q. Why are you able to remember the name of Mr. Binz?

A. Because I am well acquainted with him, and heard him make some remarks at the meeting. He objected to our argument, and said that he wanted us to proceed to business. He thought it was not a time for argument.

Q. What was the business of that night?

A. As I understood, it was to arrange for election day, for the manner of voting, and also in regard to arms.

Q. Do you remember that when Mr. Walsh exhibited and spoke of the arms, he said that he hoped to God there would be no use for them?

A. I think I heard him make some such remark.

Q. Why did you not state that in your direct examination?

A. I do not know that I thought of it.

Q. Was not the whole conversation there in reference to the contemplated interference by the republican party, and the resistance of the democratic party, at the election?

A. Something of that nature.

Q. Was not that the whole scope of it?

A. I should think it was.

Q. Did not Mr. Walsh, in substance, state that he had arms for arming democrats; to secure the purity of the election, or to secure fair play for the democratic party on that day?

A. That was the general idea.

Q. That was the whole idea of the meeting that night, and of the speeches that were made, was it not?

A. I so understood it.

Q. Had there not been at your meeting in the organization a good deal of talk about the contemplated interference with the election by the military and by the Loyal League?

A. Yes, sir.

Q. And had it not been said that should any such interference with the election take place, there would be armed resistance offered by the democrats, and for that purpose arms had already been prepared?

A. That is what I understood.

Q. You spoke of meetings held prior to the convention, and of certain remarks that were made. Had there not been, and was there not, about the time of holding that convention, a great deal of talk in the society about the contemplated raid upon the convention by the Loyal Leaguers and the military, from June to November?

(Question objected to by the judge advocate. The court was then cleared for deliberation. On being reopened, the judge advocate announced that the objection was sustained.)

Counsel desired to add to the question: In the society, at the meetings you referred to in your examination in chief?

A. Yes, sir.

Q. You stated, did you not, that names were to be handed in of those persons who were to receive arms ?

A. Yes, sir.

Q. Were they to receive arms for the purpose of resisting interference with the elective franchise on the election day ?

A. I so understood it.

Q. Do you remember whether the meeting on Sunday night was a meeting of democratic politicians generally ?

A. No, sir ; it was not.

By ROBERT HERVEY, esq. :

Q. When did you first see Judge Morris in the order of Sons of Liberty ?

A. I think some time in January, 1864. It was soon after I joined.

Q. Did you not say that the first time you heard Judge Morris speak was some time in August ?

A. I referred to that particular speech, but I heard him make speeches before that ; that was the first speech that attracted my particular attention.

Q. Was that before or after Doolittle made the speech you have referred to ?

A. It was before.

Q. Do you know Doolittle ?

A. Yes, sir.

Q. Was he a very active member of the order ?

A. He was.

Q. Was he not always talking ?

A. Always.

Q. Was he not a pretty violent man in his talk ?

A. Yes, sir ; he was always considered so ; perhaps as violent as any man in the order.

Q. Do you know whether Doolittle was a spy or a bona fide member of the order ?

A. I do not. I never heard.

Q. You have never heard that he was in the employ of the government ?

A. I do not know that I have. I heard that some persons in the order suspected that he was a spy.

Q. Do you know of his going to Washington ?

A. I know he said he had been there.

Q. Did he make any of those violent speeches after getting back from Washington ?

A. Yes, sir.

Q. Do you know Robert Alexander ?

A. I have met him in the order.

Q. Do you know that he was a spy ?

A. Yes, sir.

Q. Have you heard since that he was a spy ?

A. Yes, sir.

Q. Have you heard him make speeches in the order of a violent character ?

A. I think they were as violent as those of any other member, except Doolittle ; so violent that I told some members of the order that I thought he was a pure scoundrel.

Q. Was he in the habit of speaking frequently ?

A. I only remember one particular occasion.

Q. Do you know how often Doolittle was at Washington during the time you and he were members of the order ?

A. I think I have heard him say that he was there twice.

Q. Did he tell you what his business at Washington was ?

A. I do not know that he told me his particular business. In the speech that I spoke of yesterday, I heard that he went to see government officials.

Q. You have said, have you not, that you heard Judge Morris, in his speech in August, arraign what he called the unconstitutional conduct of the government; that Mr. Lincoln had usurped power that did not constitutionally belong to him as President of the United States?

A. Yes, sir.

Q. When Judge Morris spoke of Mr. Lincoln's usurping power, did he not say that in his opinion he had violated the Constitution of the United States?

A. I so understood him; that he had usurped power that did not constitutionally belong to him.

Q. Did Judge Morris speak of the suspension of the writ of *habeas corpus* without the action of Congress?

A. Yes, sir.

Q. Did he speak of arresting citizens arbitrarily, without warrant, and consigning them to military prisons without trial?

A. Yes, sir; I so understood.

Q. When Judge Morris spoke of those acts as usurpations, were those the subjects on which he was talking?

A. I so understood.

Q. When Judge Morris characterized what he considered as infractions of the Constitution by the President, as usurpations, did he not at the same time caution the order against doing the same thing that the President had done, and tell them that they should keep within the Constitution and laws?

A. I think I have heard him say so on the occasion I spoken of.

Q. Have you not repeatedly heard Judge Morris, after arraigning the administration for what he conceived to be violations of the Constitution, caution the order that they should not act unconstitutionally, but keep within the Constitution and laws of the country, and obey them?

A. I am of the opinion that I have heard him use those expressions, but I am not sure that I have heard them in the speeches I have referred to; I could not say that I have heard him use the expressions in those speeches.

Q. Was it not Judge Morris's general practice, after pitching into the administration as strongly as he could, to wind up his speeches by cautioning the members to abstain from any unlawful acts, and charging them to obey the laws and observe the Constitution?

A. I think so.

Q. Have you been a citizen of Chicago for a good many years?

A. Yes, sir; and I have known Judge Morris a long time, by reputation.

Q. Have you not heard a good many speeches from him?

A. Yes, sir.

Q. Have you heard him make speeches outside the order of Sons of Liberty?

A. I heard him once in the Invincible Club hall, at a public meeting of the democratic party.

Q. Have you heard him make speeches in court?

A. I think not, sir.

Q. What is the character of Judge Morris's speaking? Is he a vehement talker, or otherwise?

A. Yes, sir; he is.

Q. Is he not a very vehement talker, using strong language, and going through a great many motions, on all occasions?

A. Yes, sir.

Q. Did you see Judge Morris at any meetings of the Sons of Liberty within a month or five weeks of the election?

A. I do not recollect, positively.

Q. Was he there on the 3d of November?

A. I do not recollect.

Q. Was he at the Sunday evening meeting?

A. No, sir.

Q. When the judge was speaking to the Sons of Liberty about the wholesale consignment of the abolitionists to hell, and giving them hell under the shirt tail, was he not at the time talking about what he characterized as freedom of election with the government in Indiana, Kentucky, and Maryland?

A. Well, sir, I think it was something of that character.

Q. Were you a member of the democratic party when you went into this organization?

A. I was a democrat.

Q. Had you voted the democratic ticket before that time?

A. Once before, I think, some four or five years ago. I never voted for a democratic President.

Q. Was not the presidential contest we have just passed through of a highly exciting description?

A. Yes, sir; but I never heard many speeches made on the other side.

Q. There was a great deal of loud and hard talk on both sides, was there not?

A. I heard democratic speeches during the convention, and I thought they used pretty hard language.

Q. Was not every effort made to arouse the minds of the people?

A. Yes, sir.

Q. Both publicly, and in this order, and elsewhere?

A. Yes, sir.

Q. Do you recollect that, previous to the presidential election, it was apprehended among the democratic party that the freedom of the election might be interfered with?

(Question objected to by the judge advocate and withdrawn.)

Q. At any of the meetings of this organization of which you have spoken, where you heard any of the members of the organization make speeches, did you hear any apprehension expressed that there might be interference with the presidential election?

A. Yes, sir.

Q. Did you meet Dr. Ayer in the meetings of the Sons of Liberty? If so, how often?

A. I met him there generally when I was there; he was a pretty regular attendant at the meetings.

Q. Did you ever hear him speak?

A. Yes, sir.

Q. Did you ever hear him say anything about the treatment of the State of Kentucky by the federal authorities, and why he had to leave that State?

A. I do not remember that I ever did.

Q. How often did you hear him speak?

A. I only recollect his speaking twice.

Q. What was the character of his speeches?

A. He always spoke very highly of Kentucky; said he loved Kentucky.

Q. Did he say how that loved State had been treated by the federal authorities?

A. I do not recollect.

Q. Did you know that Dr. Ayer was a detective?

A. I did not, sir.

Q. Have you since learned that he was a detective?

A. I have understood so.

Q. When did you first understand that he was a detective?

A. After he came here.

Q. Have you had any communication with Dr. Ayer, since you understood he was a detective, upon the subject of these charges?

A. I have had no particular conversation with him.

Q. Did you have any conversation with him in Chicago after the arrest of any of these defendants ?

A. Yes, sir.

Q. Did you then know that he was a detective ?

A. No, sir.

Q. When did you first communicate to the federal authorities the substance of what you have stated in your examination here ?

A. It was about two weeks after these parties were arrested.

Q. How did you come to give information to the federal authorities ?

A. I was sent for by Colonel Sweet to Camp Douglas, and there I gave him this information.

Q. Were you arrested, Mr. Hull ?

A. I suppose I would have been had I not gone by his orders ; word came to me that I would be arrested if I did not go.

Q. Was any inducement held out to you by anybody to make a statement ?

A. No, sir.

Q. Were you invited to make a statement ?

A. I do not know that I was, except by Colonel Sweet ; he asked me, and I made a partial statement, something to the effect I have made here yesterday and to-day.

Q. Do you recollect of an interview at Dr. Ayer's office after the arrest of these parties, or some of them, when this matter was talked over with other persons who belonged to the Sons of Liberty ?

A. I think, soon after the arrests, we were at Dr. Ayer's office.

Q. How did you come to go there ? Who sent for you ? Who called the meeting, and who was there ?

A. I do not know that anybody sent for me ; I think I went of my own accord.

Q. Did you know there was to be any meeting at Dr. Ayer's office on that subject at that time ?

A. Not at his office.

Q. Did you know there was to be a meeting anywhere ?

A. I knew there was to be a meeting in the hall of the club-room.

Q. Was there any talk then about what you could prove in relation to the Sons of Liberty ?

A. I was not asked what I could prove.

Q. What was the object of that meeting ?

A. I inferred the object of it was to see what steps we could take in regard to the persons that had been arrested.

Q. Did you know then that Dr. Ayer was a detective in the employment of the government or had volunteered to assist the government ?

A. I did not, sir.

Q. Was Mr. Alexander at that meeting ?

A. Yes, sir.

Q. Did he make any remarks at that meeting ?

A. I heard him make some remarks, but I do not recollect what they were.

Q. Did Dr. Ayer make any remarks ?

A. He did.

Q. Did you ?

A. I think I spoke some with regard to the parties that had been pointed out as being the ones that revealed the secrets of the order.

Q. Have you stated, in your testimony, that Doolittle was Grand Seignior at one time ?

A. As near as I recollect he was elected Grand Seignior of the order ; I am not positive.

Re-examination :

Question by the JUDGE ADVOCATE :

Q. Do you know of the fact that Mr. Doolittle has been sought for and an attempt has been made to arrest him, and that he has thus far evaded the process of the government ?

(Question objected to by E. G. Asay, esq., on the ground that it was going into new matter. The court was then cleared for deliberation ; on being reopened, the judge advocate announced to the accused that the objection was overruled.)

A. I have so understood.

Q. Did you know Mr. Doolittle when he was in Chicago ?

A. I did, sir.

Q. Has he been there since those arrests ?

A. I have not seen him.

Q. Have you ever heard of any inducement, or do you know of any efforts, on the part of the government to find him, and arrest him when found ?

A. I have understood Colonel Sweet to say that efforts had been made.

Q. Do you know of your own knowledge ?

A. I do not.

Q. Have you had any inducement or provocation to detail what you know about this order to the government, except the obligation you had to answer truthfully such questions as were asked you ?

A. None, sir.

Q. When Doolittle came back from Washington and made that speech, saying that he had been to Washington to see the authorities, did he say what he had been there for ?

A. I inferred with regard to Vallandigham's coming back.

Q. What in regard to that ?

A. As to whether they would arrest him, or not, if he came back.

Q. Did he give any information that he had received from the authorities as to what the course of the government would be if Vallandigham would come back ?

A. I do not know that he did.

Q. Have you had any conversation with any parties since you left the witness-stand, yesterday afternoon, on this case, or as to what you knew about it ?

A. Nothing in regard to the case.

Q. Have you had no conversation with regard to the case since last night ?

A. I do not know but what I might have spoken of the case.

Q. To whom ?

A. I have spoken to a Mr. Moore.

Q. To any other parties ?

A. I met Mr. Hervey last evening, but we were talking in regard to old acquaintances.

Q. Did you talk incidentally about the case ?

A. Yes, sir.

Q. Was anything said about the order of Sons of Liberty, or the testimony in this case ?

A. I do not know as there was. There may have been a name mentioned. I do not know but what I mentioned Judge Morris's name. We had no particular conversation. I evaded all conversation in regard to the prisoners.

Q. Were any statements made by those gentlemen with whom you spoke as to what were the facts in the case ?

A. I do not remember.

Q. Did you ever volunteer to tell the government anything you knew of this matter until Colonel Sweet sent for you to find out what you did know ?

A. I never did.

Q. You were asked the question, on cross-examination, whether you had made any statements to any persons about what you knew of this matter; was he the first person you ever spoke to with reference to the inclination, tendencies, and purposes of this order?

A. No, sir.

Q. In answering that question at first, why did you not state who the first person was?

A. I do not know that I understood the question.

Q. Who did you first speak to as to the tendencies of this order, so far as you knew?

A. C. C. Strawn.

Q. In that conversation did you give him your idea of the purpose of the order?

A. Yes, sir.

Q. In that conversation in which you explained the objects of the order, did you explain them simply because they were going to interfere with the election? Was that all the extent to which your objection went?

A. Yes, sir.

Q. To what extent did that objection go?

(Question objected to by E. G. Asay, esq., and withdrawn.)

Q. You have been asked this question: Whether or not the discussions upon a certain night—perhaps more than one—with reference to the arming of the members of the order, had not an allusion or a reference to an interference with the election, and whether you did not so view it? And your answer to that was: "I so supposed." I wish to ask you, do you mean to be understood that the object in that organization of arming the order, and of its military operations, had reference only to the purpose of the election and nothing else?

(Question objected to by E. G. Asay, esq., on the ground that it is not a legitimate cross-examination of any new matter brought out by the accused, but evidence in chief.)

The court was then cleared for deliberation. On being reopened, the judge advocate announced to the accused that the objection was overruled.)

A. No, sir, I do not.

Q. What other purpose had this organization?

A. Resistance to the government.

Q. In what ways?

A. If we could not have our rights under the present administration, we were to wage a war against it, and have a general uprising or revolution, as I inferred. (So far as I could see, that was my conclusion; that is, that they intended to go further than simply defending our rights at the polls.)

Q. Have you detailed in your examination in chief what those purposes were?

A. Yes, sir.

By the COURT:

Q. What did Doolittle say in his speech about the position of the contending armies going to prevent an uprising of the Sons of Liberty in the northwest?

A. I understood him to speak of the position of Grant's and Lee's armies. I cannot say he said that while they held that position he did not think it probable there would be an uprising; but I inferred, from his language, there was to be an uprising in August; that had it not been for the position of Grant and Lee the order would have assisted the latter.

Q. What event was to occur to induce the Sons of Liberty to take up arms?

A. I do not remember my statement as to that.

Q. Who said that money was to be sent from the rebels to the order to which you belonged?

A. Members of the order, but I cannot recall their names.

Q. Did you understand that the rebel prisoners were to be released at Camp Douglas by the members of the Sons of Liberty?

A. I so inferred.

Q. Do you say that Doolittle went to Washington?

A. Yes, sir.

Q. At the time he went to Washington, what position did he occupy in the organization?

A. I think he was Grand Seignior. He belonged to the grand council.

Q. What did he say about going to Washington?

A. I do not remember.

Q. By whom was he authorized to go?

A. I do not know, sir.

Q. In what capacity was he acting in the Temple when he made this announcement?

A. He held no office, to my knowledge, but was simply member of the grand council.

Q. Did he say he held any office?

A. He was Grand Seignior. There were things done in the order, probably, that no person understood excepting the members who belonged to the grand council or held office in that branch of the order; I mean things which simple members did not understand. I know that from what I have heard.

Q. What was the strength of the order?

A. I heard Judge Morris say, as I testified yesterday, that there were about 75,000 or 85,000 men.

Q. What do you know about their being armed?

A. I understood Judge Morris to say they were armed; in different parts of the State they were arming and drilling, preparing for any event to come.

Q. Did, or did not, Judge Morris make the statement that they were armed, and were preparing for any event?

A. He did.

Q. Did I understand you to say yesterday in your testimony that Judge Morris, Mr. Walsh, or Semmes ever spoke of the releasing of the prisoners at Camp Douglas by the Sons of Liberty?

A. I do not remember.

Q. In any public meeting of the order did they talk on that subject?

A. I stated that members of the order talked about it.

Q. Did you ever hear either of those three—Judge Morris, Walsh, or Semmes?

A. I could not say, sir.

Q. Did you ever hear it stated at any of the meetings at which they were present, so that they heard it?

A. Yes, sir.

Q. Was it generally understood by all the members of the order, as far as you know, that that was to be the first step to be taken in this revolution by the order in Chicago?

A. Yes, sir, it was generally understood so, I believe; I understood it so.

Q. Did you ever hear any of these persons make any objection to that course of proceeding?

A. Yes, sir; but not in public meetings. I think I had a conversation with Semmes; and I think he said that if he thought that had been their intention and purpose, (to release the prisoners,) he would not have favored any such a movement, but would have opposed anything of the kind. That was on Monday morning, November 7, after the arrests.

Q. Was Mr. Walsh present when that speech was made about the release of the rebel prisoners?

A. It would be impossible for me to say.

Q. Do you know that he was ever present when this subject was spoken of ?

A. I am not positive. I do not know that he was.

Q. Did you say that there were officers of the rebel army who belonged to the order ?

A. There were those who told me they had been in the rebel army.

Q. Where did they tell you that ?

A. At the meetings. I stated yesterday, I believe, there was one young man of some rank in the southern army who belonged to the order. He stated to me, in a private conversation, that he had been in the rebel service ; that he had taken the oath of allegiance, and joined the order ; and he had no doubt, if the circumstances were known, he would be hung by the government.

Q. How many rebel officers belonged to the order ?

A. Some two or three were pointed out to me who were present at the meetings when I was there. Mr. Cassil, for one, was a member, and acted as Grand Seignior once in our order. He was in the rebel army.

Q. Were there any others, besides this, to your knowledge ?

A. No, sir, not to my knowledge. I have stated to members of the order, since I have been here, that I thought I had seen Grenfel at some of the meetings of the order, but I am not positive.

Q. Have you heard Judge Morris make political speeches ?

A. Yes, sir.

Q. Did you, at any time prior to the arrests, and before the presidential election, hear Semmes say anything in public or private about releasing the rebel prisoners ?

A. I do not recollect that I did.

Q. Can you say, with certainty, that Semmes was ever present at any meeting of the order when anything was said about releasing the rebel prisoners ?

A. I could not swear to it, sir.

Q. What is your impression as to seeing Grenfel at any of the meetings of the order ?

A. The first time I saw him here I thought I had seen him at some of the meetings. If I have not seen him there, I have seen him somewhere.

JOSEPH J. BINGHAM, a witness for the government, was then introduced, and being duly sworn by the judge advocate, testified as follows :

By the JUDGE ADVOCATE :

Q. State your name, place of residence, and occupation.

A. Joseph J. Bingham ; I reside in Indianapolis, and am editor of the Indiana State Sentinel.

Q. What is the political complexion of that paper ?

A. Democratic.

Q. How long have you edited that paper ?

A. Nearly nine years.

Q. Did you ever join an organization known as the order of American Knights, or Sons of Liberty ?

A. Yes, sir ; I joined the order of American Knights in November, 1863.

Q. How long did you continue a member of that order ?

A. Until the 15th of February, 1864, after which I had no connection with the order, and went to none of their meetings.

Q. Had you any communication with members of the order subsequent to that time ?

A. Yes, sir ; with persons who belonged to the order, but not as members of it.

Q. Are you acquainted with John C. Walker ?

A. Yes, sir ; but I do not know that he belonged to the order.

Q. In your communication with other members, did you learn that he was a member of the order ?

A. My impression is that he was a member. I understood from a member of the order that he was a major general in the order. We had business connections, and had been personal friends for some years.

Q. Did you meet Walker in Indianapolis on or about the 11th of August last?

A. Yes, sir; I met him in the private room of Colonel Rose, in the United States court buildings; I went there at his invitation.

Q. Had you any conversation with Mr. Walker at that meeting in reference to certain persons connected with the rebel army being at the Bates House, and on their way to Chicago? If so, what did he say in reference to that subject?

(Question objected to as illegitimate and irrelevant: The court was then cleared for deliberation. On being reopened, the judge advocate announced the objection overruled.)

A. When I went into the room, Colonel Walker said that he was compelled to leave his comfortable quarters there and go to the Bates House; that he had an appointment to meet three gentlemen there that he did not know personally, who were on their way to Chicago to take charge of the prisoners when they were released from Camp Douglas, and that as the programme was changed, and they had concluded to give up this revolutionary scheme, he would have to see these men, inform them of the change, and let them go on to Chicago and inform the boys there that the change had been made. I saw him next morning, and understood from him that he had met those parties, and that they had gone on to Chicago with these new instructions.

Q. Who were those three persons?

A. My impression was, though he did not state so positively, that they were three rebel officers; that is the impression the conversation left upon my mind.

Q. Had you learned, previous to that, of any design on the part of any leaders of the order of Sons of Liberty to bring about an uprising of the order, or a revolution? If so, state when it was to be.

A. I had learned that such was to be the case from Mr. Dodd; I learned that the uprising was to take place on the 16th of August.

Q. Where was that uprising first to begin?

A. This declaration was made to me in my room at Indianapolis. I heard that the rebel prisoners were to be released simultaneously from Camp Douglas, Camp Morton, and Camp Chase, and I think there was to be an uprising at Louisville the same day.

Q. Was it a part of the design for the members of the order to take part in that uprising?

A. It think it was Dodd's purpose to procure the aid of the members of the order.

Q. Who were the military leaders in Indiana, as far as you learned?

A. The military commanders were understood to be Colonel Walker, Mr. Humphreys, Mr. Milligan, and Dr. Bowles.

Q. Did you learn who had charge of the order in Illinois?

A. No, sir.

Q. Do you know what connection Barrett, of Missouri, had with the order?

A. I do not.

Cross-examination by T. W. BARTLEY, esq.:

Q. Where did this conversation with Mr. Dodd take place?

A. In Indianapolis, about the 7th of August.

Q. You used the expression that you believed it was Dodd's purpose; what did Dodd say?

A. He told me there had been a meeting at Chicago, some time in July, of the leading members of the order of American Knights, or Sons of Liberty; that there were delegates from different parts of the country, representing different States; and that this revolutionary scheme had been determined upon at this

meeting. I do not think he mentioned when that meeting was held, but I believe he said a short time previous.

Q. Did he say who was at that meeting ?

A. I do not know that he mentioned anybody's name but his own.

Q. How long before the 7th of August did Dodd say it had taken place ?

A. He said it had just been concluded upon at that meeting.

Q. Did Dodd tell you that the time for the uprising was changed ?

A. No, sir ; Walker told me that.

Q. Had you any further conversation with him ?

A. He was an old acquaintance of twenty years ; I protested against the folly of the scheme ; I always regarded it as a wild, visionary scheme.

Q. Were you, at that time, a member of the order ?

A. No, sir.

Q. How was it that Dodd came to inform you of this ?

A. He informed me of it with the view of procuring my aid in advancing this revolutionary scheme ; I was chairman of the democratic State central committee of Indiana ; and he asked me if I would not call a mass meeting on the 16th of August to aid in that scheme.

Q. What did you say to Dodd on that subject ?

(Question objected to and withdrawn.)

Q. Did you not say that Dodd came to you as chairman of the democratic State central committee ?

A. Yes, sir ; but the conversation I have referred to might have taken place some day or two afterwards ; he came afterwards to see me, and urged me to call a meeting.

Q. Was it in the second conversation that he mentioned this scheme ?

A. No, sir ; in the first.

Q. Did he then apply to you to have a mass meeting called to aid it ?

A. No, sir ; it was in a subsequent conversation.

Q. Was this plan of the uprising agreed to by the State central committee ?

(Question objected to and withdrawn.)

Q. Was anything said in that conversation about an uprising ?

(Question objected to. The court was then cleared for deliberation.

On being reopened, the judge advocate announced that the objection was sustained.)

Q. When Dodd made this application to you, at the time of the first conversation, were you recognized as a member of the order of Sons of Liberty ?

A. No, sir, he did not, for this reason : if he recognized me as a member of the order, he would not have said that if he communicated it I must give him my word of honor that I would not reveal it to any person whatever.

Q. Were you at that time a member of this order ?

A. No, sir.

Q. Had you withdrawn ?

A. Yes, sir ; I withdrew on the 18th of February.

Q. How was it you came to have this conversation with Walker ?

A. I called to see him at his request.

Q. Who is Walker ?

A. Colonel Walker is agent for the State of Indiana for the payment of the interest of Indiana in New York.

Q. How was the matter about these confederate officers introduced ?

A. He said he was going to remove from his comfortable quarters in Colonel Rose's room to the Bates House, which he regretted to have to do. He was packing his trunks when I went into the room. He did not give me the names of those officers or persons ; he was not acquainted with them, nor they with him.

Q. Do you know whether they were officers of the confederate army or not ?

A. No, sir.

Q. Then you do not know that he was to meet any person, or not, except from what he said ?

A. That is all, sir.

Q. What kind of confidence existed between you and him at that time, by which he undertook to tell you of this private interview ?

A. He was aware that the whole matter had been explained to me by Mr. Dodd, and therefore he informed me of their coming.

Q. Did you see those officers yourself ?

A. No, sir.

Q. What time did the conversation with Walker take place ?

A. On the 11th of August.

Q. Did Walker leave Indianapolis ?

A. Yes, sir, on the Dayton train, on the night of the 13th ; his family residence is Laporte.

By the JUDGE ADVOCATE :

Q. Where is Mr. Walker now ?

A. I believe in Canada.

Q. Have there not been frequent inquiries on the part of the government for him ?

A. I have so understood.

Q. Is he still the State agent ?

A. I believe earnest efforts have been made to have him removed from that office. He was elected by the legislature.

By the COURT :

Q. Did Mr. Walker inform you that he was going to the Bates House to see three rebel officers, who were on their way to Chicago for the purpose of taking charge of the rebel prisoners on their release ?

A. Yes, sir ; he said three persons, I believe. I am not sure that he said rebel officers ; but the object was as I have stated.

Colonel ABSALOM B. MOORE, a witness for the government, on being introduced, was duly sworn by the judge advocate, and testified as follows :

By the JUDGE ADVOCATE :

Q. State your name, residence, and the position you occupied in the service.

A. Absalom B. Moore. I reside at Ottawa, La Salle county, Illinois. I was the colonel of the 104th regiment of Illinois volunteer infantry.

Q. State if you saw either of the accused while you were in the service. If so, where ?

A. Yes, sir, I saw the prisoner who calls himself Major Grenfel immediately after the battle of Hartsville, Tennessee, December 7, 1862. He commanded a portion of the rebel cavalry, and a portion of their artillery. Immediately after the fight was over, and after the command I had was surrendered, I was close by him. He and another rebel officer were in conversation. They were both under considerable excitement. One or both said if he could have his way they would raise the black flag, and exterminate the whole Yankee force. I remember that Grenfel had a poncho on at the time, which nearly covered him all over. Just then General Morgan rode up, and told Captain Charlton Morgan to take charge of us. I was taken by Captain Morgan to Baird's mill, Stone river, General Morgan's headquarters, and while on the way I asked who that officer was, meaning Grenfel. Captain Morgan told me his name, and that he was dressed in the uniform of a British officer. After being a day or two at Stone river, I was ordered to report to the adjutant gen-

eral. I was taken by Major Steel, of the rebel service, a son-in-law of Dr. Breckinridge, of Kentucky. While in the presence of the adjutant general, Grenfel, he said that a sergeant of his was badly wounded at Hartsville, and he wanted me to go with a flag of truce into our lines and get him exchanged. I asked him if he expected me to return, and when I found that he did, I would not go. Grenfel said it would go hard with me if I would not go. I was then taken before General Morgan, who said if it was antagonistic to my feelings, I need not go. After that I saw nothing of Grenfel till I saw him here last Friday.

Q. Did Grenfel take part in the conversation you have referred to?

A. They were conversing together, and neither dissented to the remark made. I now recall that when I was told who Grenfel was, Captain Morgan took from his pocket a small flag with a death's-head and cross-bones upon it, and said that had it not been for General Morgan that would have been the flag raised that morning.

Q. Had Grenfel a command in the confederate army?

A. He had. I knew that he commanded a portion of the cavalry and a portion of the artillery, and I saw a mention made of this fact in a rebel paper published down there.

Cross-examination by E. G. ASAY, esq. :

Q. Did you see Grenfel in the fight?

A. I did not, that I remember.

Q. Was he present when this flag was exhibited?

A. He was not.

Q. Did not these circumstances happen about two years ago?

A. It was on the 7th December, 1862.

By the JUDGE ADVOCATE :

Q. Did you see Grenfel, the accused, exercising any command after you were taken prisoner?

A. I did. All the prisoners were paroled at his office. He was acting as adjutant general.

By E. G. ASAY, esq. :

Q. What part did he take in paroling the prisoners?

A. He was there in the office, and had the general supervision of making out the rolls.

By the COURT :

Q. Was the flag you spoke of taken from the man with whom Grenfel had been conversing?

A. Yes, sir.

Dr. E. W. EDWARDS, a witness for the government, was then introduced, and being duly sworn by the judge advocate, testified as follows :

By the JUDGE ADVOCATE :

Q. State your name, residence, and profession.

A. E. W. Edwards; I live in Chicago, and am a physician.

Q. State if you ever saw any of the accused before this. If so, which ones?

A. I have seen Mr. Walsh, Mr. Semmes, Judge Morris, and Mr. Marmaduke.

Q. Did you ever see Marmaduke in Chicago?

A. I did see him during the fall of 1864, the latter part of October, or the first of November.

Q. Where in Chicago did you see him?

A. At my house.

Q. How long was he there?

A. From ten to fourteen days.

Q. Where did Marmaduke come from to your house ?

A. From some hotel in Chicago.

Q. Where did he come from to that hotel ?

A. I do not know ; I think from abroad, from England or Canada.

Q. When Marmaduke was at your house was he under his proper name ?

A. Under the name of Burling. He came to my house introduced by a letter from Mrs. Judge Morris, or the judge, I forget which.

Q. Was the letter of introduction addressed to you ?

A. I think so.

Q. When Marmaduke was stopping at your house what was his conduct as to going out, or remaining at home ?

A. I think he was never out but twice during his stay there, and that was in the evening.

Q. How did Marmaduke happen to get this letter ?

A. Mrs. Morris sent to know if I could accommodate a sick gentleman, who was an invalid and desired to be retired and have the attention of some physician in whose family he could board, and I think I was the first person that had been applied to in that capacity.

Q. What makes you think this ?

A. From what I heard before and since.

Q. When did Marmaduke leave your house ?

A. He was arrested at my house about the 7th of November.

Q. By what name did the letter introduce him ?

A. As Mr. Burling.

Q. When did you first learn his true name ?

A. I think the evening before his arrest.

Q. How did you find that out ?

A. From some extraneous circumstances.

Q. Did you ever belong to the order of American Knights or Sons of Liberty ?

A. No, sir ; I was initiated into what was known as the Illini, but never attended a meeting of it after my initiation.

Q. Were you there afterwards ?

A. I was there to vote upon the destruction of the records ; it was voted to destroy them.

Q. Is the society called the Illini the organization to which Mr. Strawn belonged ?

A. I think it was.

Q. Do you know Jackson or Wilkinson ?

A. I met Wilkinson the night the records were destroyed.

Q. Were the papers and books destroyed by that vote ?

A. I think they were, by the secretary, Doolittle.

Q. Are those all the meetings you attended ?

A. Yes, sir, those two meetings.

Cross-examination by the counsel for the accused :

Q. When did you become a member of that order ?

A. I think it was from twelve to sixteen months ago.

Q. Did you treat Marmaduke medically when he was at your house ?

A. Yes, sir, during the whole time he was there ; he had a chill the night before he was arrested.

Q. Do you know where Marmaduke went when he went out ?

A. I think he went to a saloon where he could get oysters and ale. He applied to me, and I told him that his disease was such that it did not permit the use of a generous diet.



Q. Did you not state that he came from England to Canada? Do you know if he brought a letter of introduction to Mrs. Morris from her father, Dr. Blackburn?

A. I believe he did.

Q. Did he explain to you why he was there under an assumed name?

A. It was because he wanted to remain quiet.

Cross-examination by Judge BARTLEY:

Q. I understood that he was introduced to your house by a letter from Mrs. Morris.

A. I will not be positive whether it was from Mrs. Morris or the judge.

Q. Have you that letter?

A. No, sir; I did not preserve it.

The commissioners then adjourned to meet Wednesday, February 15th, 1865, at 11 o'clock a. m.

COURT-ROOM, CINCINNATI, OHIO,

February 15, 1865—11 o'clock a. m.

The commission met pursuant to adjournment. All the members present; also the judge advocate and the assistant counsel, the accused and their counsel. The proceedings were read and approved.

The judge advocate introduced in evidence a paper taken from the valise of the accused, B. Anderson. Said paper and accompanying affidavit, marked C C, hereto attached and made part of this record.

The judge advocate announced that the testimony on the part of the government was closed.

T. M. KEY, esq., on behalf of R. T. Semmes, said:

We now submit the case of R. T. Semmes, the accused, to the judgment of the commission, without further evidence, and without argument, that it may be passed upon by the commission. If this course is considered improper, then we ask that his case be considered upon a motion to overrule the testimony and to dismiss the charges and specifications, so far as the accused, R. T. Semmes, is concerned. It is contended that there is not sufficient evidence before the commission to put him upon his defence.

The JUDGE ADVOCATE, in reply, said:

If the accused submits his case without argument, and without further proof, it is done, of course, at his peril, and the court will at once proceed to pass upon it. No rebutting testimony can be introduced, and the commission can offer no objection to the course recommended.

J. O. BROADHEAD, esq., on behalf of Vincent Marmaduke, said:

As counsel for Vincent Marmaduke, I ask that the court will not pass upon his case upon the testimony already submitted. We propose to introduce no testimony for the defence, and to offer no argument. The course asked for is usual in civil and criminal cases, in the ordinary courts of justice in the land. When several parties are indicted for conspiracy, if, after the introduction of all the testimony on the part of the State or government, a counsel for one of the accused charged is desirous, he can ask the court to instruct the jury to pass upon his particular case. No practice is more common or better recognized than this. And I think that the practice of military tribunals will be governed by courts of similar jurisdiction in the common law. If any one of the parties is willing to submit his case without argument, the introduction of further testimony would be a hardship upon him—to be compelled to remain during the whole

progress of the trial. I conceive, therefore, it is but justice to the government, in whose interest this commission are here to administer.

The JUDGE ADVOCATE, in reply, said :

I do not see how a practical result can be attained by the course asked for by the counsel for the accused. If the commission proceeds to its findings and sentence in this case, there can be nothing definite arrived at, because the sentence of the court is not promulgated except until after being approved and promulgated in general orders. And it is not probable that the cases of the two accused will be acted upon by the commanding general until the findings and sentence in the remaining cases are submitted.

The court was then cleared for deliberation.

Having maturely considered the evidence adduced, the commission find the accused, R. T. Semmes, as follows :

Of the specification, first charge, guilty.

Of the first charge, guilty.

Of the specification, second charge, guilty.

Of the second charge, guilty.

And the commission do therefore sentence him, the said R. T. Semmes, to be imprisoned at hard labor, at such place as the commanding general may direct, for the term of three years.

C. D. MURRAY,

*Colonel Eighty-ninth Indiana Volunteer Infantry,
President of the Commission.*

H. L. BURNETT,

*Judge Advocate D. O. and N. D.,
Judge Advocate of the Commission.*

Having maturely considered the evidence adduced, the commission find the accused, Vincent Marmaduke, as follows :

Of the specification, first charge, not guilty.

Of the first charge, not guilty.

Of the specification, second charge, not guilty.

Of the second charge, not guilty.

And the commission do therefore acquit him, the said Vincent Marmaduke.

C. D. MURRAY,

*Colonel Eighty-ninth Indiana Volunteer Infantry,
President of the Commission.*

H. L. BURNETT,

*Judge Advocate D. O. and N. D.,
Judge Advocate of the Commission.*

On the court being reopened, the judge advocate announced that the commission had proceeded to its findings and sentence in the case of the accused, R. T. Semmes and Vincent Marmaduke.

The counsel for the accused, Charles Walsh, Buckner S. Morris, and G. St. Leger Grenfel, here moved for an adjournment of two weeks, for the purpose of preparing the defence and procuring testimony.

The court was then cleared for deliberation.

On being reopened the judge advocate announced that the commission would adjourn to meet on Thursday, February 23, at 2 o'clock p. m.

The commission adjourned to meet on Thursday, February 23, 1865, at 2 o'clock p. m.

COURT-ROOM, CINCINNATI, OHIO,
February 23, 1865—2 o'clock p. m.

The commission met pursuant to adjournment. All the members present; also the judge advocate, the assistant counsel, the accused, and their counsel.

The proceedings were read and approved.

The JUDGE ADVOCATE said :

I have to announce to the commission, and to make it a matter of record, that one of the accused, Charles Travis Daniel, made his escape from the guard, towards the close of the last session of this commission.

I have also to announce that one of the accused, Benjamin M. Anderson, has committed suicide.

The cases of two others of the accused, R. T. Semmes and Vincent Marmaduke, having been passed upon by the commission, there remain for this court to try B. S. Morris, Charles Walsh, and G. St. Leger Grenfel.

The accused Grenfel is to-day unable to be present. The physician reports that he has a violent attack of inflammatory rheumatism, almost entirely paralyzing one side of his body, and that he cannot be present before Monday next at soonest.

I object, on the part of the government, to proceed in the absence of Grenfel, but if he gives his assent, and presents, by his counsel, a written request that these cases go forward, I would ask the commission so to do.

The counsel for G. St. Leger Grenfel informed the commission that they would by to-morrow be prepared with his written assent to go forward with the trial.

T. W. Bartley, esq., counsel for B. M. Anderson, with the consent of the judge advocate, then submitted a statement; said paper, marked D D, hereto attached and made part of this record.

The commission then adjourned to meet on Friday, February 24, at 11 o'clock a. m.

D D.

Mr. President and Gentlemen of the Commission :

One of the accused in this trial, Colonel Benjamin M. Anderson, died since your last adjournment. His death occurred on Tuesday, the 21st instant. That manly and graceful form, so expressive of gallantry and noble qualities, which has heretofore appeared before you, will be seen no more. His death, which necessarily stops further progress in his case, occurred at the most unfortunate period in the trial. The evidence for the government had just been closed, but the evidence in his defence had not as yet been adduced. Were it admissible I would gladly now proceed with the evidence on his behalf; but as that cannot be done, I beg the indulgence of the commission for a very few minutes in stating what could have been, and had he lived, would have been proven in the defence, in order that the world may not do injustice to the memory of this unfortunate man.

The charge is, that Colonel Anderson was engaged in a conspiracy with others, on or about the evening of the 8th day of November, 1864, to release the confederate prisoners at Camp Douglas, and to sack and burn the city of Chicago, in the State of Illinois. Now the evidence in his defence would have shown beyond the possibility of a doubt that although he was at Chicago with the immense crowd congregated there at the time of the national convention, held about the last of August, yet that he left Illinois in a few days afterwards and reached his home in Kentucky early in September. From that time he never returned to Illinois, but engaged with General Boyle in the petroleum business, which engrossed his entire attention, in the State of Kentucky, until after the first of December.

The scheme of a conspiracy, to be consummated about the time of the Chicago convention, is shown to have been abandoned, and before its abandonment, Anderson not only declared it absurd, but changed his boarding-house to withdraw from association with the men who were urging it. This is shown by the testimony of Langhorne, one of the principal witnesses for the government. His hasty and inconsiderate letters, written under great excitement at Marshall on the 2d of September, amount to nothing at all, when the facts appear, which can be proven, that the very next day after writing these letters he left the State of Illinois, and in a few days thereafter returned to Kentucky and engaged in private pursuits, which occupied his entire attention until after the time of the alleged plot at Chicago. The scheme of the alleged conspiracy to effect a criminal purpose at Chicago on the evening of the 8th of November, if even it had any existence in the imagination and thoughts of some persons on the second day of September, was then in embryo—had not been consummated. The plan, the scheme of the conspiracy, the part to be performed by each and the concert of action, had not then been matured and consummated. Anderson, left, and hundreds of miles distant engaged in his private pursuits, and never returned to the scenes and localities of the alleged conspiracy, and was not in a situation in which he could possibly have aided, assisted, or participated in the alleged conspiracy of November.

I have given due attention to the evidence on the part of the prosecution, and I have made myself fully acquainted with the testimony which could have been adduced in Anderson's defence, and I deem it but an act of justice to the memory of the deceased to state here my solemn conviction that he was innocent of the charges preferred against him, and that had he lived to make his defence, every member of this commission would have found it his duty to have rendered a judgment of acquittal in his favor.

No consciousness of guilt existed to disturb or annoy Anderson's mind. Formed by nature with a high and delicate sense of honor, and taught to estimate the respect of the world as more valuable than life, he was extremely sensitive, and grieved, and his heart wrung with anguish at the idea of being suspected of perfidy or any other dishonorable act. In the frequent and anxious consultations of my associate counsel and myself with our client we could not fail to discover the peculiar qualities and condition of his mind. That he was a man of many elevated and manly qualities, none capable of appreciating him will doubt. In the beginning of the great struggle now pending to preserve the union of the States, he committed the fatal error of enlisting in the army of the rebellion; but we have evidence in our possession showing that while acting with the confederate army, not only was he a gallant and efficient officer, but that his bearing and conduct towards federal prisoners were marked by kindness and generosity never to be forgotten.

Observation and experience taught him the folly and error of the cause of the rebellion; he abandoned it and returned to his home in Kentucky, surrendered himself to General Boyle, then in command at Louisville, and was discharged on taking the oath of allegiance. And "the obligations of this oath," whatever inconsiderate expressions he may have made under excitement, (to use the language of General Boyle, than whom no one knew him better,) "he never violated."

Regarding his honor and the esteem of the world as more valuable than life, his highly sensitive mind was tortured by what he regarded as unjust charges and suspicions until despair and morbid sensibility clouded his intellect, and at an unfortunate moment, shutting out the light of reason, drove him to that rash act which resulted in his death.

Richly endowed with high qualities fitting him in many respects for the most elevated pursuits of life, he was wanting in that stern fortitude and stability essential to enable a man to face the dark clouds of adversity, and stand up

against the severest blows of misfortune. His brilliant prospects, which but a few years since gilded his high hopes of the future, contrasted with the deep and solemn tragedy of the close of his life, should remind us all of the uncertainties and dangers which beset our paths through the diversified conflicts of this life, and solemnly teach us "what shadows we are, and what shadows we pursue."

COURT-ROOM, CINCINNATI, OHIO,

February 24, 1865—11 o'clock a. m.

The commission met pursuant to adjournment. All the members present; also the judge advocate, the assistant counsel, the accused, and their counsel. The proceedings were read and approved.

A paper was here submitted by counsel on behalf of the accused, G. St. Leger Grenfel, waiving his right of attendance, and requesting the case to proceed in his absence; said paper, marked E E, hereto attached and made part of this record.

The JUDGE ADVOCATE then said:

The accused, Charles Travis Daniel, having voluntarily withdrawn himself, I ask the commission to proceed to their findings in his case. He has, by his escape, said in effect that he has no witnesses to produce and no defence to make before this commission. I therefore submit his case to the commission upon the evidence already before it.

T. M. Key, esq., on behalf of the accused, Charles Travis Daniel, objected to his case being passed upon at this stage of the proceedings, but in the event of its being passed upon the counsel desired to be heard, at the same time objecting to his case being passed upon until all the evidence was in.

The JUDGE ADVOCATE replied, that military courts do not recognize the presence of counsel as counsel for the accused, but rather as next friend of the accused, and they could not present argument in the absence of the accused.

T. W. Bartley, esq., also counsel for the accused, Charles Travis Daniel, said that Daniel's escape was a matter of sincere regret and mortification to his counsel; at the same time they felt responsible with regard to the final decision of his case. The accused, Daniel, might return before the trial was completed, or he might be secured, in consequence of the reward offered by the government. He therefore objected to his case being passed upon at this stage of the trial.

On motion of a member of the commission the court was cleared to deliberate upon the cases of G. St. Leger Grenfel and Charles Travis Daniel.

The court being reopened, the judge advocate announced that the commission would suspend their judgment in the cases referred to till Monday next.

The commission then adjourned to meet on Monday, February 27, 1865, at 11 o'clock a. m.

E E.

MILITARY COMMISSION AT CINCINNATI, OHIO,

February 24, 1865.

UNITED STATES

vs.

G. ST. LEGER GRENFEL,
pleaded with Buckner S. Morris. }

I hereby waive being personally present at the sittings of said commission, and request that the examination of witnesses proceed during my absence as though I was personally present. This waive and request is not in any way to be construed to affect the question of the jurisdiction of this commission in the premises, which jurisdiction I do, as heretofore, most respectfully obey.

In presence of John W. Millsapugh, lieutenant 37th Iowa infantry.

G. ST. LEGER GRENFEL.

COURT-ROOM, CINCINNATI, OHIO,
February 27, 1865—11 o'clock a. m.

The commission met pursuant to adjournment. All the members present; also the judge advocate and the assistant counsel, the accused and their counsel.

The proceedings were read and approved.

The judge advocate announced that the accused, G. St. Leger Grenfel, was yet unable to be present in court, although somewhat improved.

The accused, B. S. Morris and Charles Walsh, desired in open court that the trial should proceed in the absence of the accused, Grenfel.

The court was then cleared for deliberation. On being reopened the judge advocate announced that the commission had decided to proceed with the trial of the accused in the absence of Grenfel.

The JUDGE ADVOCATE then said:

I now ask this commission to pass upon the case of the accused, Charles Travis Daniel, he having voluntarily withdrawn himself. Under the decisions of the supreme court of this State and the State of Indiana, this commission is warranted in proceeding to their verdict in the absence of the accused.

T. M. Key, esq., counsel for Charles Travis Daniel, objected to his case being considered at this time, on the ground that in the testimony which would be introduced on the part of the defence, many suspicious circumstances might be explained to the benefit of the accused, Daniel, and if his case was to be passed upon at this stage of the proceedings the counsel in his behalf desired to be heard.

The judge advocate replied that the accused, for whom the counsel appeared, having voluntarily withdrawn himself from the court, the presence of the counsel was not recognized in behalf of the absent prisoner. As a matter of courtesy the commission might consent to hear the absent accused, through his counsel, but it could not be admitted as a matter of right.

The counsel for the accused, claiming the privilege of being heard as a matter of right, the court was cleared for deliberation.

On being reopened, the judge advocate announced to the accused that the counsel for Charles Travis Daniel had no right to address the commission as a matter of right, but as a matter of courtesy they would hear him, and the judge advocate requested that the address be reduced to writing.

The counsel for the accused replied that he would be prepared with an address by to-morrow morning.

Mr. J. S. Atwood was then duly sworn as assistant recorder to the commission by the judge advocate, in the presence of the accused.

DANIEL D. DRISCOLL, a witness for the accused, was then introduced, and being duly sworn by the judge advocate, testified as follows:

By the accused:

Q. State your name, residence, and profession.

A. Daniel D. Driscoll; I reside in Chicago, and am an attorney law

Q. How long have you practiced in that city?

A. Eight years.

Q. To what political party do you belong?

A. To the republican party, since its organization.

Q. How long have you been acquainted with the accused, Charles Walsh?

A. About seven or eight years.

Q. Do you know his character as a good and loyal citizen in the city of Chicago?

A. I have known his character up to within one and a half or two years.

Q. Do you know his general reputation in the city of Chicago for loyalty and citizenship?

A. I think I do.

Q. What is that reputation?

A. Up to the time I speak of I think it was good.

Q. State any facts within your knowledge as to the general conduct of the accused, Charles Walsh, during the troubles of the nation.

(Objected to by the judge advocate as irrelevant, immaterial, and illegitimate.)

The court was then cleared for deliberation. On being reopened the judge advocate announced to the accused that the objection was sustained, and that the court, in deciding upon this question, desired to say that proof as to general character, as far back as any proof introduced on the part of the government, will be received.)

Q. You may now state what opportunity and means you have had of forming an opinion as to the general reputation of the accused for loyalty, in the community where he lives.

A. Till within about two years, perhaps a little over, my opportunities have been good, but in stating that, I shall have to state his acts.

(Objected to by the judge advocate.)

E. G. Asay, esq., counsel for the accused, replied, quoting from Benét, pp. 286 and 287.

The court was then cleared for deliberation. On being reopened the judge advocate announced that the objection was sustained.)

Q. Do you say that during the last eighteen months you knew nothing of the character of the accused?

A. Nothing, sir.

Q. Have you ever heard it called in question up to the hour of his arrest?

A. I never have.

Q. Were you not an active partisan and speaker for the republican party during the late presidential campaign?

A. Yes, sir, I canvassed the State.

JOHN COMISKEY, a witness for the accused, was then introduced, and being duly sworn by the judge advocate, testified as follows:

By the accused:

Q. State your name, residence, and occupation.

A. John Comiskey; I have lived in Chicago since the fall of 1853. I have been engaged in railroading in the freight department of the Rock Island railroad.

Q. How long have you known the accused, Charles Walsh?

A. Eleven years.

Q. Do you know what his general reputation for loyalty is, up to the time of his arrest, in the city of Chicago?

A. I never heard any imputation cast upon his loyalty till the time of his arrest.

Q. Do you know what his general reputation for loyalty is?

A. I do.

Q. Is it good or bad?

A. It is good.

Q. Do you know his general reputation as a humane and kind-hearted man in Chicago, up to the time of his arrest?

(Question objected to as irrelevant, illegitimate, and immaterial.)

E. G. Asay, esq., replied, quoting Benét, page 285.

The court was then cleared for deliberation. On being reopened, the judge advocate announced as the decision of the court that the objection was overruled.)

A. I do.

Q. What was it?

A. His reputation is, that he has been a generous, kind-hearted man.

Q. Do you hold any office in the city of Chicago? If so, how long have you held it?

A. I am alderman of the city, and have been for six or seven years.

Q. To what political party do you belong?

A. I belong to the democratic party.

Q. When did you first learn of the existence of the arms and munitions of war in the house of Walsh?

A. Some time about June or July of 1863.

Q. To whom did the arms belong?

A. That I could not tell.

Q. Do you know of any funds having been raised at that time for the purpose of arms?

A. I do not know anything about that.

Q. Did you, in the summer of 1864, prior to the meeting of the democratic convention for the nomination of President, in Chicago, know of the existence of arms in the house of Walsh?

A. I did not know of my own knowledge. I heard that there were some.

Q. Did you learn it from Walsh himself?

A. Yes, sir.

Q. When and where did you first learn from Walsh that he had arms in his possession?

A. I could not exactly tell; he repeatedly told me that he had revolvers.

Q. I mean prior to the convention?

A. I think a month or two before.

Q. Did you learn from him for what purpose those arms were in his house?

(The judge advocate objected to the question as irrelevant and illegitimate, remarking that while it is competent to introduce the admissions of an accused as against him, it was not competent to prove statements in his behalf. If any particular circumstance had been proven on the part of the government the defence might call out the *entire* conversation in reference to that circumstance or act, so long as they confined it to the time proven on the part of the government.

The counsel, E. G. Asay, having stated that he knew of his own knowledge certain matters in connection with the transactions charged against the accused, Charles Walsh, the judge advocate duly swore him in the presence of the accused, so that if he thought advisable he might be cross-examined on the part of the government.

The counsel, E. G. Asay, esq., in reply, quoted De Hart, page 351. He stated that the accused, Charles Walsh, had arms in his possession, for the purpose of repelling any aggression or interference that it was anticipated would be made on the polls at the time of the presidential election. The government had introduced proofs to show for what purpose these arms were stored in Mr. Walsh's house; he therefore deemed it legitimate to show the real purposes for which they were accumulated. It could be shown that Mr. Walsh openly avowed having those arms in his possession for the use of the democratic party, and as isolated declarations had been preferred on the part of the government, he proposed to have the entire declarations in reference to the matter.

The court was cleared for deliberation. On being reopened, the judge advocate announced that the objection was sustained.)

Q. Prior to the presidential election of 1864, was any arrangement made for the distribution of the arms and cartridges that were in the house of Walsh, to the members of the democratic party; and if so, for what purpose?

A. Yes, sir; there was an arrangement of that kind between me and Mr. Walsh.

Q. Do you know of any leading democrat that had knowledge of it?

A. Yes, sir; Mr. Donald, Mr. Kerin, and Captain Connet. They told me that the arrangement was between them and Mr. Walsh.

Q. Were you to have had put into your possession any portion of those arms?

A. Yes, sir.

Q. For what purpose?

A. For the purpose of distribution among the democratic voters of the ward, for the purpose of defending themselves, if they were not permitted to vote in quiet.

Q. How many of these were you to have for your ward?

A. Mr. Walsh told me I was to have as many as I wanted.

Q. How many were you to have?

(Question objected to and withdrawn.)

Q. Were there any arms in the possession of the city of Chicago during the time he had those arms in his possession?

A. Yes, sir; there were about 800 stand of arms.

Q. Where were they?

A. In the magazine of the armory; some 80 to 100 were in the hands of the police, and the balance were in the magazine.

Q. Who was mayor of Chicago at that time, and to what party did he belong?

A. Mr. Francis C. Sherman; he belonged to the democratic party.

Q. State whether, about the time of the original getting of those arms, there was any tampering by the then chief of police, Cyrus Bradley, with the lock on the door of that armory, by which the constituted authorities, the mayor and aldermen of the city of Chicago, were prevented from obtaining admission to the armory containing the arms.

(Question objected to by the judge advocate, as irrelevant, immaterial, and illegitimate. The court was then cleared for deliberation. On being reopened, the judge advocate announced that the objection was sustained.)

Q. Do you know of the using of any portion of the arms at Mr. Walsh's for protective purposes, by any members of the democratic party?

A. I do not, sir.

Q. Do you know of any portion of them being carried to the office of the Chicago Times for the purpose of protecting it against any contemplated interference with its property?

A. I do not, of my own knowledge.

Q. Were you at the meeting at Invincible Club hall, on Sunday night before the election?

A. No, sir.

Q. Was it a fact known to the leaders of the democratic party in the city of Chicago, just prior to the presidential election, that there were arms in the possession of Charles Walsh, for the purpose of protecting the polls and democratic meetings?

(Question objected to by the judge advocate, as leading, and withdrawn.)

Q. Do you know whether the leaders of the democratic party had a collection of arms for any purpose?

A. I do not know of my own knowledge.

Q. Do you know from the declarations of the leading members of that party?

(Question objected to by the judge advocate, and withdrawn.)

Q. Do you know from any source whether they had arms within their control for any purposes?

(Question objected to by the judge advocate, on the ground that the witness had stated that he could not answer of his own knowledge.)

The court was then cleared for deliberation. On being reopened, the judge advocate announced to the accused that the objection was sustained.)

The commission then adjourned to meet on Tuesday, February 28, 1865, at 11 o'clock a. m.

COURT-ROOM, CINCINNATI, OHIO,
February 28, 1865—11 o'clock a. m.

The commission met pursuant to adjournment. All the members present; also the judge advocate and the assistant counsel, the accused and their counsel. The proceedings were read and approved.

E. G. Asay, esq., on the part of the accused, Charles Walsh, St. Leger Grenfel, and B. S. Morris, entered a protest against any final action being taken at this time in the case of the accused Charles Travis Daniel.

T. M. Key, esq., then read his argument, marked F F; said argument hereto attached and made part of this record.

The judge advocate then replied; said reply, being marked G G, hereto attached and made part of this record.

The court was then cleared for deliberation. On being reopend, the judge advocate announced that the commission had decided to proceed to the finding and sentence in the case of the accused, Charles Travis Daniel.

The examination of John Comiskey, a witness for the accused, was then resumed as follows:

Q. Do you know of the general conduct of Charles Walsh, whenever opportunity offered to assist the government in the raising of volunteers, in rendering assistance to soldiers, and his acts in reference to the army, down to the time of his arrest? If you know it, state what it is, and all the facts within your knowledge.

A. I have been intimately acquainted with Charles Walsh since the breaking out of the rebellion, and know what part he took in raising men and sending them to the field. I myself have worked with him, in raising a regiment in Chicago, the twenty-third Illinois, afterwards commanded by Colonel Mulligan. At the time the rebellion broke out, Mr. Walsh, Mr. Mulligan, and myself set about raising a regiment; through the exertions of Charles Walsh, particularly, this regiment was raised. It was afterwards refused by the governor of the State of Illinois, on the ground that Illinois was not ready for them, the quota being full. Mulligan afterwards went to Washington and had it received by the general government. After the regiment was rejected by the governor, Charles Walsh retired. I believe Mr. Walsh contributed most to the support of the regiment from the time it was rejected by the governor till the time it was accepted by the general government.

Q. Now proceed to the raising of the ninetyeth Illinois?

A. Charles Walsh took a very active part in raising the ninetyeth regiment. I saw him attending to his teams, starting the men to the cars, waiting upon the officers, treating them at his house, and showing them all kinds of favors that he possibly could bestow upon them. I saw him laboring at the camp all the time among the men and officers. The camp was probably not more than three or four blocks from Mr. Walsh's house—about three hundred or four hundred yards. I know that he was very active till the regiment left the city; he was all the time in camp with them; and I know his teams were called upon to carry its baggage to the depot, and he did carry it off for them.

Q. Was this an act of favor on his part?

A. I do not know.

Q. Do you know anything else with respect to his conduct with reference to Cameron's regiment, when they returned from Harper's Ferry?

A. I do not know of my own knowledge.

Q. Do you know anything later than that as to his conduct to soldiers who were in trouble?

A. I do not, sir.

Q. While the twenty-third and the ninetyeth were being organized and while

the ninth was in waiting for its acceptance by the general government, which afterwards transpired, whose house was the chief place of rendezvous for the officers and men, for favors and the sociabilities of life?

A. Charles Walsh's; that was headquarters.

Q. Was the ninetieth regiment easily raised, or was there considerable difficulty in raising it among our Irish citizens?

A. I could not tell; I was east at the time. It was about half filled when I returned to Chicago.

Q. Up to the time of his arrest upon these charges, had you ever heard of his being a brigadier general in the Sons of Liberty?

A. Never, sir, but what I saw in the papers after his arrest.

Q. Up to the time of his arrest, what was his general reputation in the city of Chicago among those who knew him, as a loyal citizen, desiring the suppression of the rebellion; was it good or bad?

A. It was good among all classes.

Q. Do you remember the funeral of Colonel Mulligan?

A. No, sir; I was east at the time.

Q. Do you know of any other matters pertaining to the charges against Charles Walsh that you wish to detail to the commission? If so, state them.

A. I do not know of anything particular.

Q. Did you ever see the arms at Mr. Walsh's house?

A. I did not.

Cross-examination by the JUDGE ADVOCATE:

Q. Were you intimate with Mr. Walsh?

A. Yes, sir.

Q. Did you ever belong to the order of Sons of Liberty?

A. I do not know; I did join one organization at one time.

Q. I ask you if you belonged to an order in Chicago called the Illini?

A. I could not say; I belonged to a secret organization, but I could not tell the name of it.

Q. When were you initiated?

A. In 1863.

Q. By whom?

A. I could not tell.

Q. Where was it?

A. In Chicago.

Q. Who belonged to it?

A. Two or three.

Q. Who were they?

A. Mr. Walsh and two or three other citizens, Mr. Colfield and Mr. Patten.

Q. Do you know if Judge Morris belonged to it?

A. I never attended but one meeting of it.

Q. Did you ever hear whether Judge Morris belonged to it?

A. I withdrew from the organization immediately after I joined it.

Q. Did you ever hear any member say that Judge Morris belonged to it?

A. I do not recollect that I did.

Q. Who did you say belonged to it?

(Question objected to by the accused and withdrawn.)

Q. Where in Chicago did this society meet?

A. In the Invincible Club room.

Q. When did you join it?

A. I think some time in June or July, 1863.

Q. Did you say it was a political organization?

A. I so understood.

Q. Who first informed you in reference to this organization?

A. I could not distinctly state; some one asked me to go up and join it, but I am not sure who; I think it was Mr. Colfield.

Q. Who initiated you?

A. I do not know.

Q. Was it in the evening or daytime?

A. In the daytime, sir.

Q. Was it an open organization?

A. No, sir.

Q. Who took you in?

A. I think the man's name was Wright, but I am not positive.

Q. Was any oath administered to you?

A. Yes, sir.

Q. Give us as near as you can, the substance of that oath?

A. I believe the substance was that I should support the Constitution of the United States. I would here state that I went in on condition that I might retire from it if I did not like it.

Q. What were the reasons?

A. I refused to take the oath of a secret organization; being a Catholic I was bound not to join a secret organization.

Q. But still you did join it?

A. Representations were made to me that Catholics might join the organization, but I afterwards found those representations to be false.

Q. Was it a secret organization?

A. Yes, sir.

Q. Have you stated the names of all that you know that belonged to that order?

A. All that I can remember as being there.

Q. Had you ever any talk with Mr. Walsh in reference to it?

A. Not much.

Q. Had you any?

A. I think I had, after I withdrew from it.

Q. Had you before?

A. I think Mr. Walsh spoke to me about going up to join it.

Q. Is Mr. Walsh a Catholic?

A. I presume so.

Q. Was it he that stated to you that Catholics could join it?

A. No, sir.

Q. Do you say that it was an organization that Catholics could not join consistently?

A. Yes, sir.

Q. Who vouched for you?

A. I do not know.

Q. Who asked you to go in?

A. Mr. Colfield was the principal man that induced me to go in.

Q. Would you recognize the oath that you took if you heard it?

A. I do not think I would.

Q. What was the obligation you took when you joined the society?

A. That I was willing to support the Constitution of the United States, and preserve it from all interference, from whatever quarter it came.

Q. Did you not swear to that once before?

A. Yes, sir.

Q. Was the constitution submitted to you after you joined the order?

A. It was partly submitted to me before I joined by the officer at the door; after I got inside, I had further access to it.

Q. How many men were present that time?

A. There were only two or three.

Q. How many men were occupying positions as officers when you joined ?

(Question objected to by the accused as irrelevant and illegitimate, and as going beyond the matter introduced in the examination in chief.)

The judge advocate replied that the witness had stated that he never heard of Walsh being a brigadier general in the order, and we have a right to show, if we can, that this witness was a member of the same treasonable organization as that to which the accused belonged. I propose to show the character of the men the accused bring upon the stand and their standard of loyalty.

The court was then cleared for deliberation. On being reopened, the judge advocate announced to the accused that the objection was overruled.)

A. I could not tell ; there was only one man I knew ; I understood his name was Timothy Wright.

Q. Did you ever have any subsequent talk with Walsh about that order ?

A. I do not remember.

Q. Had you any other reason for withdrawing than that it was against your Catholic principles ?

A. No other reason.

Q. Why did not all Catholics withdraw ?

A. I do not know.

Q. Do you mean to say that you do not know the name of that order ?

A. I heard it after I left from the public papers. I do not remember that I ever heard it from any member of the order.

Q. When did you first learn the name of the order ?

A. Some time after I joined—a month or two months.

Q. What was the name of the order ?

(Question objected to for the reason that the witness has stated that he had nothing but hearsay evidence to give.

Question withdrawn.)

Q. Who was the first man that spoke to you about this order ?

A. Mr. Colfield, who is a lawyer of Chicago.

Q. Did he belong to it ?

A. He was in there the day I joined. I think he retired the same day, and on the same ground I did. He, also, was a Catholic.

Q. Where had you your first talk with him, and what was it ?

A. In Chicago. He said the democratic party would have to do something to counteract the Union League ; that our rights were trampled on ; democrats were shot down in the streets ; that we had no protection from the law, and that the authorities sided with the republicans, and that the democrats would have to protect themselves ; and that there was an organization of that kind started in that State, and he wanted me to join it. It was an organization to defend ourselves against attack. At that time several democrats had been knocked down in the streets of Chicago, simply because they were democrats, and when they appealed to the courts they got no satisfaction. It was understood that the Union League was fully armed and equipped, and would be called upon ; and I understood this organization was to defend themselves, if necessary.

Q. How were they to do it ?

A. I understood at the time that the democrats, being poor, were not able to purchase arms for themselves ; that consequently arms would be supplied to them to defend themselves ; and I understood that arms would be collected and distributed among individual democrats. I told him I had no objection to joining the order on these conditions ; as a Catholic I was prohibited joining a secret organization, and I think Colfield said it was not in opposition to the doctrines of the Catholic church ; I afterwards learned that I had no right to join the secret organization, and I immediately withdrew.

Q. Had you no similar conversation with Walsh ?

A. No, sir ; not that I remember.

Q. Did Walsh say anything about the rights of democrats being trampled upon, and that they would have to defend themselves?

A. He said we should have to do something to defend ourselves.

Q. Did he say that it was simply because you were democrats that your rights were trampled on?

A. Something to that effect. We had a general impression that the democrats had no rights that anybody was bound to respect, and if that was the case the democrats of Illinois thought the sooner we defended ourselves the better. The Chicago Tribune and the republican State authorities of Illinois advocate the doctrine that democrats had no rights that anybody was bound to respect. We saw we could get no redress for our grievances from the courts, and we proposed to defend ourselves when attacked personally, and for that purpose we were to provide arms for ourselves.

Q. Who were to be the judges as to when your rights were trampled upon?

A. Each individual; when I got knocked down in the street I was to be the judge of what my rights were.

Q. Was Mr. Walsh one of the leaders of this defensive organization?

A. I know nothing about Mr. Walsh's operations after I withdrew from that order. I went in, staid an hour, and never returned.

Q. Did you not say you never heard Walsh's loyalty questioned by any person up to the time of his arrest?

A. I have heard attacks in the Tribune made against myself, as I was an officer of the city.

Q. Were you not once prevented being sworn in as an officer of the city for not being loyal?

A. Nothing of the kind ever occurred; they were all lies. The Tribune has accused almost every democrat in Chicago of being a rebel. It accused me perhaps a thousand times, but only upon political grounds.

Q. What were they?

A. I could not tell; it simply said I was a rebel because I was a democrat. They did not say why, and I think they could not tell themselves.

Q. Why did the papers say you were a rebel?

A. At one particular time they called me a traitor and a rebel, trying to incite civil insurrection against the government. At one time I introduced an ordinance before the city council of Chicago making a proposition for raising two hundred thousand dollars to save the city from the draft by levying a tax of four mills. The Tribune attacked me at that time, I suppose, from political motives. The republicans took sides against it, I presume, from political motives also. I made a speech on the passage of the ordinance, saying that it was best to vote five millions than run the risk of encountering such scenes as were witnessed a few weeks before in New York, and that the people would rather raise five millions than run the risk. The Tribune, on that occasion, made the remark that I was a traitor, and trying to raise a tumult; but I believe all those attacks were from political motives. I wanted to relieve the city from draft because I, for one, believed that it would be better to have volunteers in the army.

Q. Suppose you could not put them in by volunteering?

A. Then I am in favor of drafting them.

Q. When did you hear the loyalty of Charles Walsh called in question?

A. I do not recollect, except the general charge that was made against all the democrats by the republican papers in the city.

Q. Was not that before the arrests?

A. Yes, sir; it might have been during the election that the—

Q. Did you ever hear any one speak of his loyalty?

A. I never heard his loyalty called in question; I could not say that I ever heard it spoken of particularly.

Q. Then how do you know?

A. I presume that when a man's loyalty is not called in question, there is no doubt about it. I never heard anything against it.

Q. Did you ever hear anything for it?

A. I have seen a great many of his acts which led me to believe him loyal.

Re-examination by E. G. ASAY, esq.:

Q. Did you take an active part in July and August in raising the quota of volunteers for Cook county?

A. Yes, sir.

Q. Were you one of a committee appointed to save Cook county from draft?

A. Yes, sir. I was also chairman of the committee that paid out some \$200,000 for that purpose.

Q. Did you not expend, out of your own pocket, considerable sums of money to save Cook county from the draft?

A. Yes, sir; over \$200 within the last month.

Q. Was Mr. Walsh a candidate for sheriff for Cook county on the part of the democrats?

A. Yes, sir.

MALCOLM McDONALD, a witness for the accused, was then introduced, and being duly sworn by the judge advocate, testified as follows:

Question by the accused:

Q. State your name, residence, and occupation.

A. Malcolm McDonald; have resided in Chicago since 1855, and have been engaged in the lumber trade there for the last nine or ten years.

Q. To what political party do you belong?

A. To the democratic.

Q. Have you held any office in the Chicago city government?

A. I have served two terms as city alderman.

Q. Do you know the accused, Charles Walsh?

A. Yes, sir; I have known him since 1856.

Q. Has he been a partisan of the democratic party?

A. Yes, sir, and I suppose is now.

Q. Were you a member of a secret organization in any way connected with the democratic party?

A. I was a member of a society called the Illini, of which I have the constitution.

Q. Please produce it.

(A pamphlet containing the constitution and laws of the Illini was here offered in evidence by the accused, said pamphlet marked G G, hereto attached and made part of this record.)

Q. Was Colfield a member of the society?

A. I do not know, sir.

Q. Do you know the general reputation of Mr. Walsh in Chicago, as to whether he was loyal, or a man of good citizenship or not, up to the time of his arrest?

A. What would you call loyalty?

Q. An upholder of the laws and the Constitution.

A. Yes, sir.

Q. Was his reputation good or bad?

A. His character was good.

Q. Do you know his general conduct during the last four or five years towards the government, as to the raising of troops, and assisting the government in the suppression of the rebellion? If so, state.

A. I know he was very active in assisting to raise troops; I do not know any particular instance, except that he worked with Mulligan in raising the Irish brigade, and helped in raising Father Dunn's regiment.

Q. Mr. Walsh is an Irishman and a Catholic, is he not ?

A. Yes, sir ; I have so understood.

Q. Did you ever hear his good citizenship and loyalty called in question by any person up to the time of his arrest ?

A. No, sir.

Q. Do you know the general reputation of Mr. Walsh in Chicago for kind-heartedness and humanity ?

A. Yes, sir.

Q. Is it good or bad ?

A. It is good.

Q. How is he regarded in that respect ?

A. Always as very liberal and kind-hearted—as a man willing to give to charitable objects in any way he could.

Q. Do you know of the existence of any arms within the control of the democratic party about the time of the national convention at Chicago for the nomination of President ?

A. I do, sir.

Q. In whose custody were these arms kept ?

A. They were in Mr. Walsh's house

Q. What kind of arms were they ?

A. They were a large size revolver.

Q. What number ?

A. I should think there would be 100 or 125 ; that was before the convention.

Q. What other implements of war were there ?

A. I saw a sample of some guns. I do not know whether there were one, two, or three ; I think they were rifles ; they were new arms.

Q. Did you know of the existence of the arms in the control of the democratic party to be used by them for any purpose, in the possession of any person in the city of Chicago, just before the arrest of Mr. Walsh ?

A. I did, sir ; those same arms.

Q. Do you know how many of them were there ?

A. I do not.

Q. For what purpose were these arms in the control of the democratic party, and for what purpose were they to be used ?

A. For defence in case of riot, or if any disturbance should occur at the polls.

Q. Was not this a fact known generally to the democratic party in Chicago ?

A. I think there were a great many who knew it.

Q. Do you know how these arms were purchased ?

A. They were purchased by subscription ; they were arms supplied by the democratic party, and not by the order.

Q. Were any of the arms in the house of Walsh subject to your order, as a member of the democratic party, to be used for your protection on the election day. If so, how many ?

A. Yes, sir ; there were fifty revolvers.

Q. For what purposes were they to be used ?

A. In case of disturbance, and to see that our rights were protected at the polls.

Q. Give any facts within your knowledge that led to the supposition that there might be a necessity to use those arms.

A. There had been several insults on the streets. Commissioner Enhouse was assaulted by Colonel Hough, and a member of the Board of Trade was also insulted ; as we thought the republicans were about to ride over us, we were to band together to protect ourselves in all emergencies.

Q. How was it as to the republican party, as a body, being armed ?

A. I have seen but one or two cases of arms in the hands of the Union

League. We applied to the city for enough arms to arm a company, but the mayor would not let us have them. We asked for the same privilege to drill as they had; we knew they drilled nightly, and I understood the arms were furnished by the State authorities; we took active measures to be on a par with them in case of emergency.

Q. Were those arms to be used purely for self-defence?

A. Purely so.

Q. And were those the arms found in Walsh's house?

A. Yes; those were all that I knew of.

Q. What do you know of the arrest?

A. Saturday I was sent for to distribute the arms to the vigilance committee, and to defray expenses. Near the corner of Washington and Dearborn streets I met Mr. Walsh; he asked if we had our committee arranged; I said yes; that Michael Keil was to be at one poll, and I at another. He asked how many arms we should want. I told him there were twenty-five of the vigilance committee at each precinct, fifty in all. I agreed to meet him at his house on the 7th and get those arms. That was the day on which he was arrested. When I left there I went over to the mayor's office and met Alderman Comiskey coming out. He said, "Are you going out to Walsh's?" I told him I was. He said, "I want to go with you."

(Testimony objected to by the judge advocate.)

Q. Were you a member of the State central committee?

A. No, sir; there were two committees, one congressional and the other the Cook county committee.

Cross-examination by the JUDGE ADVOCATE:

Q. How many did the vigilance committee number?

A. Fifty.

Q. Was that committee to be armed?

A. Yes, sir.

Q. With what kind of arms?

A. Revolvers; six-shooters, I suppose.

Q. What were they to do with them?

A. Take care of themselves, and keep the peace.

Q. Down at the polls?

A. Yes, sir.

Q. What else were they armed for?

A. In case the military interfered with the election.

Q. You were then to fight the military?

A. Yes, sir.

Q. What military?

A. I suppose the troops that were there.

Q. Then this vigilance committee of fifty were to be armed to fight the military in case they interfered, were they?

A. The troops we have always considered a Home and Union League; they are part of the city forces, as they are in the city.

Q. Are they acting under United States orders?

A. I don't know.

Q. Were the troops that you expected would interfere part of the United States troops?

A. I do not know. We determined that we would have a fair election, let the consequences be what they may.

Q. And these arms were to fight the troops in case they interfered with the election, were they?

A. Yes, sir; that was the talk.

Q. And those arms at Mr. Walsh's were the ones with which you were to fight the United States forces, were they?

A. Yes, sir.

Q. And do you say those arms were purchased by the democrats ?

A. I was shown a subscription list, and I said I would contribute.

Q. Did you ?

A. No, sir ; I did not.

Q. Do you know any person who did contribute ?

A. No, sir.

Q. Do you know if any arms were purchased with money contributed ?

A. I do not ; I was told so. I never, to my knowledge, saw any person pay money, nor any one that had paid money.

Q. Was any ammunition bought by the democratic party ?

A. I suppose so, but I do not know.

Q. Do you know whether there was any ammunition at Mr. Walsh's house ?

A. I saw some the same day I saw the revolvers in 1864, immediately after the suppression of the Times newspaper.

Q. Was not that in 1863 ?

A. I do not know ; I saw the arms perhaps a month or six weeks after the Times was suppressed.

Q. How was it, if the Times was suppressed in 1863, that you saw those arms in the summer of 1863 that were for the purpose of arming the vigilance committee, that they might protect their rights at the polls in 1864 ?

A. I do not know how that was ; I would not state positively as to the time when I saw the arms there ; I know it was in the summer, but whether it was in 1863 or 1864 I am not certain.

Q. What do you know about the contribution of funds for the purchase of those arms ?

A. I know only as I was told ; nor do I know who bought the ammunition.

Q. Do you know who loaded the guns and capped them ?

A. No, sir.

Q. Do you know who bought the buckshot and caps ?

A. No, sir.

Q. Do you know who brought the rebel soldiers into Mr. Walsh's house ?

A. No, sir.

Q. Do you know Charles Travis Daniel or George Cantrill ?

A. I never saw them.

Q. Were they there to help you to resist the United States forces when they should trample on your rights ?

A. I never saw them, and I do not know about it.

Re-examination by E. G. ASAY, esq. :

Q. How many State elections were there from the suppression of the Times to the seizure of the arms ?

A. I think two.

Q. Do you say that you saw a list, and were asked to subscribe for the purpose of purchasing arms ?

A. Yes, sir.

Q. Who had the list ?

A. I think Mr. Walsh had.

By the COURT :

Q. Was your vigilance committee armed for any other election than that of 1864 ?

A. Yes, sir.

Q. With Walsh's arms ?

A. No, sir.

Q. Did you make application for those arms before ?

H. Ex. Doc. 50—19

A. Only at the presidential election.

Q. Were you armed at previous elections?

A. Yes, sir; many that had arms carried them to the polls.

Q. What was the relative strength of the two political parties in your ward?

A. We were about 300 to 400 majority.

By E. G. ASAY, esq.:

Q. Do you know whether the other party was armed?

A. I supposed they were from seeing arms in their possession—men who were generally conceded to belong to the Union League, and members of the republican party.

By the JUDGE ADVOCATE:

Q. How many belonging to the Loyal or Union League did you see armed?

A. I have not seen them carry arms, but I have seen them in their houses, and was told they were their arms.

Q. How many citizens in Chicago have arms privately for hunting purposes?

A. I should say probably one-third.

Q. How many instances of members of the Union League having arms did you see?

A. I believe two.

Q. And you do not know of your own knowledge that they belonged to those men?

A. I have so heard.

Q. Do you know that those arms belonged to the Loyal League?

A. I have heard so.

Q. You say you knew of two men who had arms; that you had 300 majority in your favor, and you thought it necessary to arm fifty vigilance men?

A. We thought there would be a general uprising and disturbance.

Q. Why did you suppose this?

A. It had been talked of all through the city that there must be a free vote or a free fight.

Q. And you were getting ready, on the other side, for the uprising or insurrection, were you?

A. Yes, sir; I would not call it an insurrection; they proposed to take possession of the polls and control the election; that was our understanding.

Q. Do you mean the United States forces?

A. I said the Union League would, and the United States forces would carry it, and we were getting prepared for them.

By E. G. ASAY, esq.:

Q. You intended, did you not, to have a free election or a free fight?

A. Yes, sir; I have said so.

By the COURT:

Q. When did you see those arms at Mr. Walsh's?

A. My impression is that it was in 1864; I was driving out to Camp Douglas and went into Mr. Walsh's and had a glass of rum. The arms were under the sofa in a little back parlor; the muskets were standing in the corner of the room—the same room I think. I looked at one or two of them; Mr. Walsh was with me when I examined them. As Mr. Walsh drew the sofa out from the wall I saw them. I should not have noticed them unless I had stood on the opposite side of the room.

Q. How many muskets were there?

A. Two or three, I believe.

The commission then adjourned to meet on Wednesday, March 1, 1865, at 11 o'clock a. m.

COURT-ROOM, CINCINNATI, OHIO,
March 1, 1865—11 o'clock a. m.

The commission met pursuant to adjournment. All the members present; also the judge advocate and assistant counsel, the accused and their counsel.

The proceedings were read and approved.

T. M. Key, esq., submitted a statement in defence of Charles Travis Daniel, said statement hereto attached and made part of this record, marked H H.

The judge advocate declined to submit any reply, as to do so would necessitate a review of the whole of the testimony submitted on the part of the government; and it might be claimed that such a course would be unfair towards the accused whose cases were yet to be passed upon; he therefore preferred to remain silent, and allow the evidence to speak for itself.

The commission then retired to deliberate, and having maturely considered the evidence adduced, the commission find the accused Charles Travis Daniel as follows :

Of the specification, first charge, guilty.

Of the first charge, guilty.

Of the specification, second charge, guilty.

Of the second charge, guilty.

And the commission do, therefore, sentence him, the said Charles Travis Daniel, to be hung by the neck until he is dead, at such time and place as the President of the United States may direct, two-thirds of the members concurring therein.

O. D. MURRAY,
Colonel Eighty-ninth Indiana Volunteer Infantry,
President of Commission.

H. L. BURNETT,
Judge Advocate D. O and N. D.,
Judge Advocate of Commission.

John Comiskey, a witness for the defence, was then recalled, and testified as follows :

By JUDGE ADVOCATE :

Q. State whether during the pending draft you made a speech in the court-house square in Chicago ?

A. Yes, sir, I did.

Q. In that speech did you use any arguments, or any utterances of any kind, to the effect of urging laboring men to destroy the property of the rich, unless they cleared the city of the draft ?

A. Never, sir; I used no such argument—nothing to that intent and purpose; on the contrary, just the reverse.

Q. Then it was a subject that you discussed in your speech, was it ?

A. Nothing of that kind was mentioned. The meeting was called for a special purpose, to induce bankers and capitalists, that had refused, to take the scrip issued by the county of Cook, without shaving. We had an idea that the bankers had combined for the purpose of depreciating this scrip, bringing it as low seventy-five cents on the dollar, and then utterly refusing it. After consultation with the different committees, and, among others, with the reporter for the Tribune, we came to the conclusion to call a meeting of the working-men of Chicago, to try to induce the capitalists to take this scrip at par. This meeting passed resolutions.

Q. How was any influence brought to bear upon the bankers ?

A. I suppose the bankers were brought to terms by the resolutions passed at the meeting.

Q. What were the resolutions that brought these bankers to terms ?

A. They were written out by a republican lawyer of Chicago. S. K. Dow, and I think I read them to the meeting.

Q. What became of them?

A. I think I passed them over to one of the reporters of the papers; I think they were published in all the papers.

Q. Do you know anything about that original copy?

A. I never saw it since.

Q. You say those resolutions brought those bankers to terms, do you?

A. I think the resolutions and the gathering of the people brought them to terms. It was a time of great political excitement, and parties were looking to the masses of the people for their votes.

Q. What had the bankers to do with votes?

A. I think they are influenced by politics as well as other men. It was not the bankers more than the capitalists; and the working-men thought they should take this scrip at par.

Q. Was this mass meeting the one which you addressed, where these resolutions were passed?

A. Yes, sir.

Q. And you did not then urge upon the people that if volunteers were not raised, and the draft was enforced, (or argument to that effect,) that the poor men would rise and destroy the property of the rich?

A. Never, sir; I used no such arguments.

Q. Did you not threaten them that there would be a mob, as had been at New York?

A. No, sir; I told them they must submit to the law; I believe I said they must submit to the draft, and urged the people to be law-abiding; I am not sure that I mentioned the draft, but I said the laws; and the draft is a part of the laws of this country.

Re-examination by E. G. ASAY, esq.:

Q. Was that a mass meeting without respect to party?

A. It was a mass meeting without respect to party.

By the JUDGE ADVOCATE:

Q. Did you address any other meeting than this at the court-house square?

A. Yes, sir; I addressed a political meeting, but nothing in reference to the draft.

Q. Would you answer with regard to this address as you would with regard to the other?

A. Yes, sir.

By E. G. ASAY, esq.:

Q. How long had you been in the employ of the Rock Island Railroad Company?

A. Ten years.

Q. Do you know of any action of Charles Walsh in reference to this scrip in the city of Chicago about that time?

A. I do not.

Q. Do you know anything about his buying scrip?

A. No, sir.

THOMAS EDWARD COURTNEY, a witness for the accused, was then introduced, and being duly sworn by the judge advocate, testified as follows:

By the accused:

Q. State your name, residence, and occupation.

A. Thomas Edward Courtney, Chicago. I am a mason and contractor.

Q. Of what political party are you a member ?

A. I am a democrat.

Q. Were you on any committee of democrats during the summer or fall of 1864 ?

A. I do not know that I was on anything in the general campaign ; I was on the executive committee of the Invincible Club.

Q. Was that a secret society ?

A. No, sir ; it was open to everybody, except the private committees. There were no pass-words, grips, or anything of that kind.

Q. Are you acquainted with Mr. Walsh ?

A. Yes, sir ; I have known him five, six, or seven years.

Q. What business has Walsh been in ?

A. He was connected with railroading and express business. He had a stable of horses for transporting freight from the depot, or something of that kind.

Q. Do you know what his general reputation for loyalty has been in Chicago, up to the time of his arrest ?

A. I never heard anything against his loyalty. I have known him to assist in getting up regiments for the government. He helped to get up one or two regiments, I believe.

Q. Was he actively engaged in that ?

A. Yes, sir ; he took a very active part, and I understood he was to be colonel of the regiment of which the late Colonel Mulligan was afterwards colonel. That is the regiment which was rejected by the governor and afterwards received by the general government.

Q. Do you know, during the summer and fall of 1864, of the existence of any arms for the use and under the control of the democratic party in the city of Chicago ? If so, where were they deposited ?

A. Not of my own knowledge. I was told that there were.

Q. From whom did you learn anything in reference to those arms ?

A. About a month previous to the election I was in the club-room one night, and I learned the fact from some democrats.

Q. Were you present at the meeting held at the hall of the Invincible Club on the night preceding the presidential election ?

A. Yes, sir.

Q. Did you see Dr. Ayer and Charles Walsh there ?

A. Yes, sir.

Q. Did Charles Walsh say, before that meeting, that the men who were coming in the city were what are called by some butternuts, and were there for the purpose of fighting and voting ?

A. No, sir ; he did not.

Q. State to this commission what Dr. Ayer did and said upon that occasion.

A. I was asked on the street by several persons to come to the club-room on that night ; I was asked by Mr. Hull and Mr. Strawn—they have been witnesses in this case ; they asked me to come, as the meeting was to make some arrangement about the election ; they had to appoint committees for challengers. I went, and there were from thirty to forty people there, of whom I knew about a dozen.

Q. Was it an open or a closed meeting ?

A. I considered it an open meeting.

Q. Was there a tyler at the door ?

A. I saw none. The question arose at that meeting about the election, as to what arrangements were to be made about their being armed, and some said they had revolvers, and some said they had none ; and some suggested they could get them for election day. Somebody asked who had them and who had not ; and I think probably a dozen did not have any ; the balance said they had. The men who said they had not were requested to give their names so that

they might be supplied, as it was expected there would be trouble from the Union League.

Q. For what purpose were arms to be got?

A. For self-defence, in case there was any trouble. Dr. Ayer took out a pocket revolver, and holding it up, said he had a little thing that he thought would do pretty good execution, but would like a larger and better one.

Q. Did he say anything further?

A. He talked a great deal. He and one or two of the others did all the talking. I think they were Mr. Strawn and Mr. Bearse who did the rest of the talking.

Q. Was anything said in reference to the Loyal League?

A. I do not recollect. I was a stranger and did not take much interest in it.

Q. Were you invited to go to the meeting that was held at Dr. Ayer's office, after the arrest of Walsh? If so, by whom?

A. One afternoon Mr. Hull came to me (the Hull that was on the stand) and wanted me to go to a private meeting at Dr. Ayer's. He said they were about to make some arrangement about the prisoners. I asked who was going to make arrangements. He said the order or society was going to do something. I said I did not want to go there; that I was a democrat and would do anything according to law, but would not do anything to liberate rebels. He said, "You did not always talk so." I did not go to the meeting.

Q. What did he state that meeting was for?

A. He said it was for the purpose of making some arrangement with regard to the arrests, but did not state particularly.

Q. Were you on any committee of the democratic party, in reference to the receipt of some bogus voters that were to be imported into Chicago for the purpose of voting on the day of the presidential election?

A. The only committee I was ever on was at this Sunday night. I was requested to show the men that would arrive at the Alton depot where they could get boarding-houses.

Q. Were they part and parcel of the tribe that came from Egypt?

A. Yes, sir. A committee was appointed to escort them, on their arrival, to boarding-houses. I acted, and went to the Alton depot and met eight men, and I had the name of a boarding-house on a piece of paper, but I did not know who made the arrangement. I took them to a boarding-house.

Q. What was the object of bringing these butternuts into Chicago, by the democratic party?

A. It was for the purpose of voting, I understood.

Q. Did you know of any other object?

A. I did not.

Q. Repeat, if you please, what Mr. Walsh stated at the Sunday night meeting.

A. In the argument between Strawn and Dr. Ayer, and others—and three or four did all the talking—there was considerable doubt about the men that were reported to be coming; some seemed to think they were to be brought there by the republican party—John Wentworth and others, and I knew of some sixty that came for this party, and were lodging at the Sherman House. At a big meeting at Bryan hall, at which you (E. G. Asay) it was that spoke, they said they were importing many men. This subject came up at this Sunday night meeting, and some thought that the republicans, and some thought the democrats, were bringing these men. Walsh, I believe, said that the democratic party, were fetching some men there to vote. Then the question arose about the arms, and where they could get them. I think Mr. Strawn asked, and Mr. Walsh said he would furnish arms to those who wanted them, at the polls, in the different wards on election day; and the question arose as to where they would be distributed. Some suggested Geary's house. (Geary is an active

partisan of the democratic party.) Geary would not consent. Some one then suggested that they should be distributed at the club-room, and it was so decided. The next morning Mr. Hubbard, the secretary of the club, said he would not allow it, and I think they were not distributed.

Q. You say it was proposed to distribute arms for the purpose of self-defence at the polls. State if there had been up to that time any fears that the purity of the polls would be disturbed by the republican party, at that time.

A. Yes, sir; it was the common talk among the leading democrats of the city that there was danger of their rights being interfered with, as in Kentucky, Maryland, Missouri, and other places; and I myself bought a revolver some three months previous to the election, but I never used it, and I hope I never shall.

Q. Did Walsh, at the Sunday night meeting, when speaking of these pistols, say anything with respect to their being returned by the parties receiving them? If so, what?

A. No, sir; I did not understand it so.

Cross-examination by the JUDGE ADVOCATE:

Q. Did you ever belong to the order of the Sons of Liberty?

A. No, sir.

Q. Was the Invincible Club a separate organization from the Sons of Liberty?

A. Yes, sir.

Q. Did you ever belong to any other organization besides the Invincible Club?

A. Yes, sir; the Illini, or order of American Knights.

Q. Was it called the Illini when it was called the order of American Knights?

A. The Illini was a local name.

Q. Was this Illini a secret organization?

A. Yes, sir.

Q. Had it signs and passes?

A. Yes, sir.

Q. Have you ever ceased to be a member of that order by any positive action of your own?

A. No, sir; except that I had absented myself for six or eight months previous to that Sunday night meeting.

Q. When you went to the Invincible Club room that Sunday night, were you going to a different place from where you met with the American Knights?

A. No, sir; they met there sometimes.

Q. Had you met there as a member of the society of the Illini in that same room?

A. Yes, sir; I believe they met there in a small room up stairs?

Q. Was the Invincible Club room reserved for the use of the club, or was it used for other meetings?

A. When men wanted it for a business meeting the club would give it up, either for public or private business.

Q. You say the janitor of the Invincible Club refused to distribute the arms; to whom did he belong?

A. I do not think he belonged to the Illini; only to the Invincible Club.

Q. Was any one present when the janitor refused?

A. Some men were sitting there.

Q. If these arms were owned by the democratic party, and were to be distributed for its own use, how was it that the janitor refused the distribution of their arms at their own place of meeting?

A. I do not know that he knew much about it; I suppose some one had told him about it.

Q. Then the janitor had received instructions, had he?

A. I do not know.

Q. Do you know what prompted his action ?

A. No, sir.

Q. Did you go to that meeting after it had convened ?

A. I suppose some came after I did ; I was there before its organization.

Q. Did you go out of the room after you entered it ?

A. No, sir.

Q. Then you do not know, do you, that there was no tyler at the door ?

A. I do not know ; the door was open part of the time. It is usual to have a doorkeeper before anybody is admitted ; but I never knew before that the Illini had a tyler.

Q. Who presided ?

A. Obadiah Jackson.

Q. What was he called ?

A. Grand Seignior.

Q. What other officer was present ?

A. The secretary was there, but I do not know his name.

Q. Where did the Grand Seignior sit at that session ?

A. At the desk at one end of the room.

Q. Was there any designation of the different parts of the room, as east, west, &c. ?

A. Yes, sir.

Q. In what part of the hall, as thus designated, did he sit ?

A. I do not know ; there was no east or west that I know at that meeting.

Q. Did you see any one there that did not belong to the Illini ?

A. I do not know ; there were a great many there that I did not know.

Q. Did you see Remington there ?

A. Yes, sir ; he took an active part in the meeting.

Q. Was it he who first spoke of the true character of those men who came into Chicago ?

A. I do not know ; it was he or Strawn ; Remington made some remarks.

Q. Were his remarks as to the true intent and purpose of these strangers in the city ?

A. He wanted to know who brought them there.

Q. What was said in answer to that ?

A. I do not know who it was, but some said, "They are all right;" some said they were, and some said they were not.

Q. When Mr. Remington objected to the character of the men, did Mr. Walsh answer that they were all right, and that he had helped to bring them there ?

A. I do not know, sir ; my impression is that Mr. Walsh said something about the men coming there to vote ; but I do not remember that he said they were brought there by his agency.

Q. Are you sure he did *not* say it ?

A. No, sir.

Q. Did anybody say that sixty men had been brought there, and that he would vouch for them ?

A. I do not think anybody said that. The only thing I heard about fifty or sixty men was when they spoke of those at the Sherman House. Remington was one of those who traced those men to the Sherman House. I think some person said they had been brought there by the democratic party ; I do not know who.

Q. You acted as one of the committee to receive these men, did you ?

A. Yes, sir ; I acted among others.

Q. Where did these men come from ?

A. I do not know exactly ; from the State of Illinois, I believe.

Q. Did you hear that they came from southern Illinois ?

A. I do not know from what part.

Q. Did you hear any talk about their coming from Egypt?

A. No, sir; the first I ever knew as to where they came from, was from the public statements.

Q. Do you say you went to the depot?

A. Yes, sir; and I received them.

Q. What was the nature of their dress?

A. They wore what is commonly known as butternut, a kind of southern-like clothes.

Q. How many came?

A. To my knowledge there were eight.

Q. Did you see the band, known as Clingman's band, come there?

A. No, sir.

Q. Did any other parties come?

A. I heard that other parties came to other depots.

Q. Do you know of any other committees at other depots?

A. None that I know of.

Q. Do you know of the fact of Clingman's band coming into Chicago, and the majority of them being arrested?

A. No, sir.

Q. Do you know of Colonel Sweet arresting a large gang?

A. No, sir; except what I read of it.

Q. Did you not know that morning of their coming into Chicago, and did you not know of their arrest at the time?

A. No, sir.

Q. Were other places appointed to which these men were to go, besides the Sherman House?

A. Yes, sir; the name I got on the slip of paper was Evans.

Q. Were there any other places where these men were to be taken.

A. One name was Egan; it was a boarding-house.

Q. Who paid the expenses of these men?

A. I do not know, sir; I had nothing to do with it.

Q. Was any subscription taken up for that purpose?

A. No, sir; not for that purpose that I know. Some subscription was taken up at a called meeting of the prominent men of the democratic party, but I do not know what it was for.

Q. When was that meeting?

A. I should think three or four weeks before the election.

Q. Who was appointed with you on that committee to receive those men?

A. Mr. Geary and Mr. Sheon.

Q. What was the reason that Geary gave for not receiving those arms?

A. He said he would not have them at his house; I do not recollect that he gave any reason.

Q. Did he not give as his reason that he was already suspected, and that it would draw too much attention to him?

A. I do not think he did.

Q. Who did take the distribution of the arms?

A. I do not know that anybody did.

Q. Were these arms to be distributed to anybody that might ask for them?

A. They were distributed to known democrats.

Q. At that meeting on Sunday night, when the discussion arose about these men coming from southern Illinois, were they vouched for as true democrats?

A. I think they were, and that they were coming to vote the true democratic ticket.

Q. When these men were received, did you know that they had come from another part of the State?

A. I supposed they had; I received them at the depot.

Q. Did you not know that it was illegal ?

A. I suppose I did.

Q. Did you do that with your eyes wide open, and knowingly ?

A. Yes, sir ; I suppose I did.

Q. What part did you take at the polls the next day ?

A. I had my own arms.

Q. Did you act as one of the vigilant committee ?

A. Yes, sir ; on the part of the democratic party of my own ward.

Q. Did you wear any badge ?

A. I wore a McClellan badge, I think, upon the left breast.

Q. Are you positive ?

A. It was on my left breast.

Q. In what ward were you ?

A. Seventh.

Q. How many others of the vigilant committee were armed in that ward ?

A. I do not know of any.

Q. Did you see any other person armed on election day ?

A. I do not think I did.

Q. You say you thought the same trouble might take place in Chicago as had taken place in Kentucky and Maryland, do you ?

A. Yes, sir ; it was feared the rabble would interfere.

Q. Do you mean to say that the rabble carried the election in Kentucky ?

A. I understood that the military assisted the rabble.

Q. Then why did you permit this ?

A. I have known instances in Chicago of private citizens being knocked down on the streets, and almost pounded to pieces because they were democrats.

Q. Have you not known that at all election days people have been knocked down ?

A. Yes, sir.

Q. Were you armed yourself as a body to defend yourself on election day ?

A. Yes, sir ; we were armed to defend ourselves on election day.

Q. Was it not this that caused the trouble in Kentucky ?

A. I do not know.

Q. Do you say it was the rabble assisted by the government authorities ? Was that what you were to defend yourselves against ?

A. Yes, sir ; but it was more so in Missouri. As far as I understand, we were to defend ourselves against our own people in Chicago, but we did not apprehend any trouble from the government ; it was from the Union League and republican leaders.

Q. On which side were the majorities in that city ?

A. Some wards were republican and some were democrat.

Q. What was the difference between the two parties there in the election before the last ?

A. The only general election was about a year ago this spring ; then the democratic party carried the city. Then there was a special election for a very important office, police commissioner, since that election, and it was carried by three or four hundred republicans.

Q. The election that you speak of, when the democrats carried, was the last general election before the presidential election, was it ?

A. For municipal officers it was. There was also an election for judge of one of the courts.

Q. Was there a special, and then a general election ?

A. No, sir ; there were several offices to be filled, but the most important was the police commissioner.

Q. When there is a contest for mayor in the city, does not that bring out the popular vote more completely than in any other election in the city ?

A. Sometimes ; it may be a general rule.

Q. At the election of the mayor before the general election, were the democratic party in the majority ?

A. Yes, sir ; by a very little.

Q. At the meeting of Sunday night preceding the election, did he (Ayer) do anything more than follow in the wake of discussions as they were originated by other parties ?

A. I thought he took a leading part ; there were only three or four that took part.

Q. Did not Remington open the discussion about foreigners coming to vote ?

A. I do not know, sir.

Q. The subject of the distribution of arms, did not Geary start that ?

A. I do not know.

Q. Did Dr. Ayer start that subject ?

A. I do not know.

Q. Then you do not know that Dr. Ayer started any of the peculiar features of the conversation, do you ?

A. I do not know that he started them, though I think he did more talking than anybody else.

Q. Do you pretend to recollect all the conversation that took place there ?

A. No, sir.

Q. There were conversations, then, that took place that you do not remember, were there ?

A. I suppose so.

Q. And you do not pretend to say that Dr. Ayer was the originator of any conversation that evening ?

A. No, sir.

Q. Are you considered a leader of the democratic party in Chicago ?

A. No, sir.

Q. Have you not taken a very active part in your ward ?

A. Yes, sir ; in my ward.

Q. Were not the most active members that have taken a part with you also members of the Illini Society ?

A. No, sir ; there were lots of men that were active democrats that did not belong to the Illini.

Q. Do you know all the members of the Society of the Illini ?

A. No, sir.

Q. Do you know that there is any lodge except that which met in Chicago ?

A. Yes, sir.

Q. Have members from other societies visited this ?

A. Yes, sir.

Q. How were they admitted ?

A. I do not know.

Q. Were they not admitted by signals ?

A. I suppose so ; I have seen strangers, but I do not know how they came there.

Q. Do you know that in Chicago there are active men who belong to the Sons of Liberty, whom you have never seen in your society ?

A. No, sir ; I never knew anything about the Sons of Liberty ; I belong to the order of American Knights.

Q. Were there men who belonged to the order of the American Knights, whom you had never seen in your society, but whom you recognized as members in the streets of Chicago ?

A. Yes, sir.

Q. Do you know where they had taken their degrees ?

A. No, sir. While I attended the largest number I ever saw were fifteen or twenty. I hardly ever saw more than probably twenty at one meeting.

Q. Were those meetings attended by always the same faces?

A. There were not a great many strangers. Probably for eight or nine months I mostly saw the same faces. There were exceptions.

Q. How many men do you suppose you saw altogether in the eight or nine months that you belonged to the order?

A. I could not say.

Q. As many as one thousand?

A. It might probably be a thousand, though I could not be positive.

Q. Were those eight men you received at the railroad all dressed alike?

A. I think they were dressed somewhat different from each other, but their clothing was mostly of the same color, though of different shades of butternut color. Receiving those men was the last I had to do with them.

By E. G. ASAY, esq.:

Q. Was Michael Evans running for collector at that time?

A. Yes, sir; for the south division.

Q. Do you know a man by the name of Hubbard?

A. Yes, sir.

Q. Was he at that Sunday night meeting?

A. No, sir.

Q. Do you say that democrats you knew, as individuals, had prepared arms prior to this preparation for the general election?

A. Yes, sir.

Q. Was this intervening election that you speak of the same at which aldermen were elected for each ward?

A. I believe so; and I believe they elected superiors, by some minor officers.

Q. Did Mr. Walsh, at that Sunday night meeting, when speaking in reference to the distribution of arms, say that he hoped to God it would not be necessary to use them?

A. I think he did, sir. I have heard Judge Morris say that he counselled obedience to law; he said that they were to stand to their rights, but they must not violate the law.

Q. Was there any declared intent, that you knew of, on the part of the democratic party, or any of its members, to interfere with any others than those who were illegally intermeddling with the rights of voters?

A. That was all, sir.

By the COURT:

Q. Do you say you have known democrats to be assaulted in the street?

A. Yes, sir.

Q. By whom?

A. By republicans.

Q. Were they soldiers, or citizens?

A. Citizens.

Q. What kind of arms were to be distributed to the democratic party?

A. Revolvers, I believe; such arms as they could get.

Q. Did you see any that were issued?

A. No, sir.

By E. G. ASAY, esq.:

Q. Were not those identical arms that Colonel Sweet seized, put into the hands of the Union Leaguers in the streets of the city of Chicago?

(Question objected to by the judge advocate, and withdrawn.)

Q. Do you know that those arms were afterwards seized at the house of Mr. Walsh?

A. I heard of it; I did not see them.

Q. Do you know what was done with the arms that were at the house of Mr. Walsh?

(Question objected to by the judge advocate, and withdrawn.)

By the JUDGE ADVOCATE :

Q. Were those men that you speak of brought to the city at the presidential election in November?

A. Yes, sir; there were State and county officers elected the same day.

Q. Those men, then, would vote for the city officers, as well as for President, would they?

A. Yes, sir; and the men generally were far more interested in the city than in the presidential election.

(E. G. Asay, of counsel for the accused, said: I understand that Thomas E. Courtney, the witness that has been in attendance on this commission, by subpoena delivered in Chicago, has just been arrested in presence of the court. I therefore move that a rule be entered requiring the sergeant to show cause, in writing, why he should not be attached for contempt of court.

The judge advocate replied: On finding an avowed enemy of the government in this room, in discharge of my duty, I ordered his arrest. This was done after the counsel for the accused had used him as a witness, and he had been duly discharged by this court. If the accused again desire to use him as a witness, he shall be forthcoming.

The witness, by his own admission upon this stand, avows his connection with an organization at enmity with the government, and his participation with the enemies of the government in bringing men into Chicago in violation of the laws. I therefore ordered his arrest; and I will act in like manner towards any other witnesses as fast as they reveal their guilt. Whatever responsibility is attached to this act rests upon my shoulders, not as a member of this commission, but as judge advocate of this department, and as an officer on the staff of Major General Hooker, commanding this department.

The court was cleared for deliberation. On being reopened the judge advocate announced that the motion was overruled, and that the commission had decided it had no jurisdiction in the matter.)

The usual hour of adjournment having passed, the commission adjourned to meet on Thursday, March 2, 1865, at 11 o'clock a. m.

COURT-ROOM, CINCINNATI, OHIO,
March 2, 1865—11 o'clock a. m.

The court met pursuant to adjournment. All the members present; also the judge advocate, and the assistant counsel, the accused and their counsel.

The proceedings were read and approved.

LETITIA WALSH, a witness for the accused, was then introduced, and being duly sworn by the judge advocate, testified as follows:

By the accused:

Q. State your name, and what relation to the accused, Charles Walsh.

A. Letitia Walsh; I am the daughter of Mr. Charles Walsh.

Q. How many daughters are there older than you?

A. Two; Mary and Maggie.

Q. How old are you?

A. Fourteen.

Q. Were you at home during the month of August last?

A. Part of the time.

Q. Did you see the man called Maurice Langhorne, who was in court?

A. Yes, sir.

Q. Was he ever, to your knowledge, at your father's house?

A. He never was.

Q. Were there any cartridges made in your father's house, at any time in your presence, or either of your sisters or mother?

A. No, sir, there were not.

Cross-examination by the JUDGE ADVOCATE:

Q. Do you say this man was never at your father's house?

A. No, sir, he never was.

Q. Are you positive?

A. Yes, sir.

Q. Were you at home all the time?

A. No, sir.

Q. Do you mean to say that he never was there, or that you never saw him?

A. I never saw him.

Q. Were there different persons, a great many strangers, coming and going to your father's house during the fall of 1864.

A. There were always a great many.

Q. Were there a great many strangers going and coming to your father's house?

A. No, sir.

Q. Were there a great many during the time of the war?

A. Yes, sir; but not strangers.

Q. When your father was entertaining those belonging to Mulligan's regiment, was he entertaining any strangers?

A. I do not know that; I was not in the parlor all the time.

Q. Then you cannot state whether there were strangers at your house or not?

A. No, sir.

Q. Did you know anything about those cartridges?

A. No, sir; I did not know they were there.

Q. Do you know anything about the kegs of shot or kegs of powder?

A. No, sir.

Q. Were there any pistols?

A. Yes, sir; they were kept up stairs. When they were taken they were in my room; they had been moved there.

Q. How many were there?

A. I do not know.

Q. Was there any ammunition in your room?

A. No, sir; none at all.

Q. Which was your room?

A. Down stairs, off through the back parlor, just at the end of the hall.

Q. How long were they removed to your room previous to their removal from the house?

A. The Saturday before.

Q. When was it?

A. In the day time.

Q. Where were you?

A. Down town.

Q. Where were you on Sunday?

A. At home.

Q. In the parlor?

A. No, sir.

Q. Who moved the arms?

A. They were moved to my room on Saturday while I was away, but I do not know by whom.

Q. Were you frightened when you saw pistols?

A. No, sir.

Q. Were you used to fire-arms?

A. No, sir.

Q. Did you inquire what they were to be used for?

A. No, sir.

Q. Did you hear your mother tell your brother, when he wanted to know why he could not go into a room that was locked, that it was none of his business?

A. I did not hear him ask the question; I did not hear anything about it.

Q. Would you be able to recognize all the persons that came to your father's house in the year 1864?

A. I do not know that I should; I was not in the parlor all the time.

Q. Were you in the parlor when visitors were there?

A. No, sir; I was not allowed in society.

Q. Did you see Cantrill or Daniel at your father's house?

A. Yes, sir; I saw them there on the Sunday night.

Q. Did you see them there the week before?

A. No, sir.

Q. Or the night before?

A. No, sir.

Q. Did you see Mr. Beall there?

A. No, sir.

Q. Or Mrs. Leslie?

A. No, sir.

Q. Did you ever go with your sisters when they went to Mr. Norris's house?

A. No, sir.

Q. When did you see Daniel and Cantrill?

A. Only on Sunday night.

Q. Have you seen them since?

A. No, sir.

Q. Did you ever see them before that Sunday night?

A. No, sir; neither of them.

Q. When did they go out?

A. About dusk.

Q. When did you see them?

A. I saw them at the tea table.

Q. Was your father home that night?

A. I was in bed when he came in.

Q. Do you recollect when the soldiers came?

A. I was not up when they came. When we were aroused I saw the soldiers in the hall; I scarcely saw them.

Q. Then all that you know is that you never saw Daniel except this once, is it?

A. Yes, sir.

Q. How much time were you at home during the month of August?

A. I was at home scarcely any of the time; I was absent on account of sickness in the family. During July and August I was waiting upon my grandmother, who was sick. I was gone from eight in the morning till about five.

Q. Where were you during the months of September, October, and November?

A. At school; and when I was at home I was in the nursery.

Re-examination by E. G. ASAY, esq.:

Q. Were you in the camp at any time, and were you pointed out to any person as one of Mr. Walsh's daughters?

A. Yes, sir.

Q. Who pointed you out?

A. It was one of the soldiers.

Q. To whom were you pointed out?

A. Some citizen.

Q. Was it Maurice Langhorne?

A. No, sir.

MARGARET WALSH, a witness for the accused, was then introduced, and being duly sworn by the judge advocate, testified as follows:

By the accused:

Q. State your name, and what relation to the accused, Charles Walsh.

A. Margaret Walsh; daughter of Mr. Charles Walsh.

Q. Were you at home at your father's house in Chicago, near camp, on the Sunday immediately preceding the democratic convention?

A. Yes, sir.

Q. All day?

A. No, sir.

Q. Were you there in the afternoon and evening?

A. I was not.

Q. Were you there on Monday?

A. Yes, sir.

Q. Where was your mother on Sunday?

A. Attending a funeral.

Q. Where was she on Monday?

A. At my grandmother's.

Q. Was she at home any time during Monday?

A. No, sir.

Q. Was she at home on Monday night?

A. Yes, sir; about twenty minutes before twelve on that Monday night; she was not at home all day until that time.

Q. Were any cartridges made in your presence, or in the presence of either of you, in your house on that day?

A. No, sir.

Q. Have you at any time been present at your father's house when cartridges have been made?

A. No, sir.

Q. Did you see Maurice Langhorne, who was pointed out to you on the stand?

A. Yes, sir.

Q. Was that man, to your knowledge, ever in your father's house?

A. No, sir.

Q. Was he at any time in your father's house when you were present?

A. No, sir.

Q. Was he at any time assisting or directing the making of cartridges when you were present?

A. No, sir; he was not.

Q. By whose introduction were Daniel and Cantrill in your father's house?

A. By my uncle Joseph's. I knew him as Mr. Travis.

Q. Who is your uncle?

A. He is my mother's brother.

Q. What time does the last car down town leave your neighborhood?

A. During week days, twelve o'clock; on Sunday night, at ten or half past ten.

Q. Was that a rainy or a clear night?

A. I do not recollect.

Q. Had they been there before ?

A. Once, just before. They came by my uncle's introduction to the family.

Q. Had they tea with you ?

A. Yes, sir ; at the second visit they remained to tea.

Q. How long before your father's arrest were they there ?

A. A week previous.

Q. Did your father see them on their first visit ?

A. No, sir ; he did not. He saw them, I think, on the second visit.

Q. Under what circumstances ?

A. I think he was introduced to them by my sister at the tea table.

Q. What did your father do immediately after tea ?

A. He went to the city.

Q. Who went with him ?

A. My uncle Joseph—the one who introduced those men to me.

Q. When he left, did he say anything in reference to his return ?

A. He said he would be back in a few hours.

Q. Were those gentlemen waiting the return of your uncle ?

A. Yes, sir.

Q. Why were they invited to remain ?

A. They were invited to remain on account of the cars. They consented to remain at our wish.

Q. Your father's house is outside the city limits, in a portion of the woods, is it not ?

A. Yes, sir.

Q. Whose house stands between your father's house and Camp Douglas ?

A. Mr. Walker's, and Mr. Aaron Haven's next to that—next to that in the road—and then is the Douglas ground, where Mr. Volk lives.

Q. Is it a matter of common occurrence that gentlemen visit you young ladies on Sundays ?

A. Yes, sir.

Q. How long were you at school ?

A. I was at boarding-school two years.

Q. State if your father communicated to you any reason why you could not complete your education.

A. Yes, sir.

Q. Will you state what that communication was ?

(Question objected to by the judge advocate, on the ground that it is hearsay evidence ; and that if it were not, it would still be incompetent and illegal.

The court was cleared for deliberation. On being reopened the judge advocate announced that the objection was overruled.)

Cross-examination by the JUDGE ADVOCATE :

Q. Are you the eldest daughter ?

A. No, sir ; I am the second daughter ; my eldest sister's name is Mary.

Q. Have you been at home all the time during the last year ?

A. Yes, sir ; I have been at home, and in the house most of the time.

Q. How frequently did you visit the city ?

A. Two or three times a week ; sometimes once a week only.

Q. Have you made any visit away from home during the year ?

A. Yes, sir ; once to Peoria, some time in August.

Q. Did you go with your father ?

A. Yes, sir.

Q. Was it to the mass meeting there ?

A. Yes, sir.

Q. Who made speeches there ?

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A. I only heard three speeches. I heard Mr. Yule, Mr. Campbell, and Mr. James

Q. Did you hear Amos Green ?

A. No, sir ; I heard he spoke at that meeting.

Q. How many days were you there ?

A. Two days.

Q. Do you recollect about what time in the month ?

A. In the early part of August.

Q. Where did your father stop while there ?

A. At the Peoria House.

Q. Did he make a speech ?

A. No, sir.

Q. Had he any other business there ?

A. No, sir ; only to attend the meeting.

Q. How large a number were gathered at that meeting ?

A. I did not learn.

Q. You say your uncle introduced Cantrill and Travis ?

A. Yes, sir.

Q. Where is your uncle now ?

A. He is outside the court-room.

Q. So that was the first time you had seen Travis and Cantrill ?

A. Yes, sir.

Q. Who introduced them to your father ?

A. My sister, at the tea table.

Q. Did your uncle introduce them to your father ?

A. No, sir.

Q. Did your uncle tell you they were escaped prisoners ?

A. No, sir ; he said he had known them before.

Q. Did he say he had met them ?

A. Yes, sir ; but he did not say where he had met them.

Q. He knew them and brought them there, did he ?

A. Yes, sir.

Q. Had your father many persons coming to his house ?

A. Yes, he had a great deal of company.

Q. Did you see all that came ?

A. No, sir.

Q. Did he introduce all ?

A. No, sir ; some I did not see.

Q. Do you suppose, then, that you could remember all the persons you saw during that summer ?

A. I could remember all that I was once introduced to ; those to whom I was not introduced, I don't think I could.

Q. Suppose the persons you were introduced to you had seen with whiskers and mustache, and you did not see them again until six or eight months afterwards, and then without whiskers and mustache, and in a different dress, would you be able to identify that person ?

A. I do not think I should.

Q. Were you cognizant of all that took place in your father's house ?

A. Yes, sir.

Q. Were you in his confidence, and knew his plans and business ?

A. No, sir ; I was not.

Q. Did you know of those arms ?

A. Yes, sir.

Q. Whereabouts were the guns kept ?

A. They were kept in the front chamber, up stairs.

Q. When were they brought there ?

A. I do not recollect.

Q. About what time ?

A. They were brought, I think, about June or July. I do not think they were brought there in August, because I know there were some arms there at the time of the convention, and before.

Q. Who brought them there ?

A. I do not know.

Q. Were they brought in the night or daytime ?

A. In the daytime.

Q. By whom ?

A. I cannot say.

Q. Do you recollect the kind of conveyance ?

A. No, sir ; I did not see them brought ; I saw them after they arrived.

Q. When was your attention first called to them ?

A. Shortly after they came there.

Q. How many days after ?

A. I think the very day they were brought.

Q. What makes you think so ?

A. I asked my sister if they had been there before ; she said no.

Q. Was this in the day or evening ?

A. It was some time in the afternoon. When I asked my sister, she said they had been brought there that day. I got all the information in the matter from my sister.

Q. Those shot-guns and the guns generally were up stairs in the front chamber, were they ?

A. Yes, sir. The pistols were kept in the same place for a time.

Q. Were the guns in boxes or cases when you saw them ?

A. I think they were.

Q. Were they brought in long boxes ?

A. I think the guns were loose and the pistols were in boxes.

Q. Were the carbines in cases or loose ?

A. I did not see any.

Q. The pistols were brought in cases, you say ; do you know how many ?

A. I do not know.

Q. Where were they first put ?

A. I think they were all put in the barn at the house at first.

Q. When did you first see them ?

A. I think a few weeks before papa's arrest.

Q. Do you think it was in October when you first saw them ?

A. I think about that time.

Q. Were they taken up in the front chamber ?

A. I do not know ; I saw them in the sitting-room, first of all ; that was the room back of the parlor.

Q. How long did they remain there ?

A. I do not know, sir.

Q. Where were they afterwards taken to ?

A. They were all taken up stairs.

Q. How long did they remain in the sitting-room ?

A. They were there for three or four days.

Q. Whereabouts in the room ?

A. Under the sofa in the back sitting-room ; they were then out of the box ; they were afterwards taken up stairs to the front room.

Q. When did you first see the shot and powder ?

A. I have always seen powder about the house.

Q. How long had you seen that keg ?

A. I saw it for a great many months.

Q. Do you mean the different kegs that were taken away?

A. I was not aware that there was more than one keg.

Q. How long had that been there?

A. I could not tell.

Q. Where was that kept?

A. A keg was kept in the barn; I never saw but one.

Q. Had you not seen it in the house?

A. I saw it in the house afterwards. About a week before papa's arrest I know I saw one brought into the house.

Q. About what time were the shot brought into the house?

A. I do not know.

Q. When did you first see it?

A. I do not recollect, but it was only a short time before papa's arrest.

Q. Whereabouts were the cartridges kept?

A. They were first taken into the hall; they were in small boxes.

Q. Were they brought from the barn?

A. They were brought there by some gentleman, but I did not see him bring them.

Q. How long before your father's arrest was this?

A. Three or four weeks.

Q. Were they taken up stairs in the front room?

A. Yes, sir.

Q. Do you know how many cartridges there were?

A. I do not. There were some cartridges in the sitting-room closet that my uncle had brought.

Q. Were they not nice cartridges?

A. I do not know.

Q. Where were those loose cartridges made?

A. I do not know, sir. These are the ones I thought you meant. I meant the loose ones.

Q. Did you ever know of any cartridges being made in your father's house?

A. No, sir; I never saw them, and never heard father or mother say anything about them.

Q. Did you ever hear your mother prohibit your brother going into any room?

A. No, sir.

Q. Did you ever hear him inquire about what they were doing in the room, and she told him it was "none of his business?"

A. No, sir; I never heard anything of the kind.

Re-examination by E. G. ASAY, esq.:

Q. You have spoken of what your sister Mary said about the arms coming to the house; did she, in any of those conversations, tell you what they were to be used for?

A. Yes, sir.

Q. What were they to be used for?

A. For the democratic convention.

Q. Was there a trunk containing any arms carried to Peoria?

A. Yes, sir; a trunk full of the same kind as were afterwards found at my father's house.

Q. Were they part of the same arms?

A. Yes, sir; they were.

Q. To whom were they delivered?

A. To Mr. W. W. O'Brian. I think he is a member of the legislature.

Q. Was he an Irishman, with black hair and beard?

A. Yes, sir.

Q. Did he live at Peoria?

A. Yes, sir.

Q. What were they delivered for ?

A. They thought the abolitionists would disturb the meeting, and the arms were brought for the defence of the democrats.

Q. Was there any disturbance at the meeting ?

A. No, sir.

Q. How large a trunk of revolvers was it ?

A. It was a good-sized trunk.

Q. At what date did you stop going to boarding-school ?

A. It was Christmas of 1862.

Q. Did your father ever say anything in your presence as to the use the arms were to be put to ?

(Question objected to by the judge advocate as immaterial and illegal.

E. G. Asay, esq., in reply, quoted from Griswold's Ohio Reports, page 302, "Stuart against Case," and also vol. 1 Greenleaf, page 149, and the United States Digest of Criminal Law, page 155.

The court was cleared for deliberation. On being reopened the judge advocate announced that the objection was overruled.)

A. He said they were for the protection of the democrats at the polls, and at the meeting at Peoria, if it was disturbed.

Q. Was there not a room over your sitting-room ?

A. No, sir; there was not.

Q. Then it is a fact that one does not exist ?

A. None does exist.

Re-cross-examination:

By the COURT :

Q. When did your father make this statement, as to what they (the arms) were for ?

A. When we went to Peoria.

Q. How long had they been there at that time ?

A. A month or two before that time.

By the JUDGE ADVOCATE :

Q. Is there a hall at the side of the house ?

A. There is, on the left side.

Q. Which side is it on as you go to Camp Douglas ?

A. On the left side. The hall is on the side nearest the city. When you enter the hall you come to a door to the right that enters the parlor; there are two parlors, connected together by folding doors, and there is a sitting-room back of that.

Q. How far does the hall run back ?

A. To the door of the back parlor, and there another door opens into the back parlor. There is no door at the end of the hall. In going back to the kitchen you have to pass into the second parlor, and pass thence into the sitting-room; all on the same range.

Q. What is there behind the hall, and even with the sitting-room ?

A. There is a door that leads up stairs and one to the cellar.

Q. Is there any room over the back parlor ?

A. Yes, sir; a small bed-room.

Q. Have you to pass into the second parlor to get to the bed-room ?

A. Yes, sir.

By a MEMBER OF THE COURT :

Q. What reason did your father assign for removing you from school ?

(Question objected to by another member of the court.

The court was cleared for deliberation. On being reopened the judge advocate announced that the commission had decided to reject the question as by the court, and to be entered as by a member. The commission had also decided to adhere to the former ruling, that the question may be answered.)

A. He told me that he could not afford to keep me there; that he had to raise this regiment for his country, and that he could not send me until next summer; and I have not had a chance to go to school since.

By the COURT :

Q. What was your father doing the week of the convention ?

A. He spent most of his time in the city.

Q. Was he taking an active part in it ?

A. Yes, sir. He was grand marshal of the procession after the nomination of McClellan.

By the JUDGE ADVOCATE :

Q. Did your father hold any position in this regiment ?

A. Yes, sir; that of colonel.

Q. Did he ever get any remuneration ?

A. No, sir.

Q. Do you remember when this first regiment was raised ?

A. In the spring of 186—.

Q. Do you remember when the Irish Legion was raised ?

A. No, sir.

Q. Where were you attending school ?

A. At Agatha's Academy, in Chicago. I boarded at the school.

By the COURT :

Q. Among the gentlemen presented to you from time to time, do you remember one by the name of Hunter ?

A. No, sir.

Q. Did you ever meet Dr. Hunter ?

A. No, sir.

Q. Did you ever meet Mr. Wilson ?

A. No, sir.

The commission then adjourned to meet on Friday, March 3, 1865, at eleven o'clock a. m.

COURT-ROOM, CINCINNATI, OHIO,

March 3, 1865—11 o'clock a. m.

The commission met pursuant to adjournment. All the members present; also the judge advocate and assistant counsel, the accused and their counsel.

Margaret Walsh, a witness for the accused, was then recalled, and testified as follows :

(A photograph was shown to the witness.)

By E. G. ASAY, esq. :

Q. Look at that picture, and state if it is a correct picture of your father's house.

A. It is; it is a front view; the fence in the picture is on the opposite side of the road. Entering the hall by the front door, the door that leads into the parlor is but a short distance. There is no other room in the hall; you may go through the back parlor into the sitting-room. The two parlors are to the left of the hall as you enter.

(A photograph of Charles Walsh's house was then put in evidence, said photograph marked I I, hereto attached and made part of this record.)

By the JUDGE ADVOCATE :

Q. What is the name of your uncle ?

A. Tehon.

Q. Do you know if he is the same person that went to the Alton depot to receive the voters at the time of the election ?

A. I do not.

W. G. EWING, a witness for the accused, was then introduced, and being duly sworn by the judge advocate, testified as follows :

By the accused :

Q. State your name, residence, and occupation.

A. W. G. Ewing ; I am an attorney at law, and my residence is at Quincy, Illinois.

Q. Were you a member of the order of Sons of Liberty ?

A. No, sir ; I was a member of the order of American Knights, it was afterwards, I believe, changed to the order called the Sons of Liberty.

Q. How long were you a member of that order ?

A. I became a member in the spring of 1863 ; and the last time I met was in July or August, '63 ; that was in Chicago.

Q. Were you a member of the Grand Council of the State ?

A. I was ; I was at that time in Woodward county, and represented that county in the Grand Council.

Q. State what the object of that order was.

A. I can state the object as I understood it ; it was to organize the democratic party in such a way that it might defend itself and its rights at the polls.

Q. Was there any particular mode for that defence pointed out ?

A. Yes, sir, there was ; members of the order were to be armed wherever they could be. There were no arms furnished by the order.

Q. What was the occasion of the organization for that purpose ?

A. It grew out of the organization, by the republican party, of what is called the Union League. The democratic party, according to the best of my information, at that time thought that their rights at the polls demanded such an organization.

Q. Was any other object than acting on the defensive entertained by that order ?

A. I believe not.

Q. Was any such object as that of aiding the confederate army, or releasing the confederate prisoners, in any way at all held in view by this order ?

A. I never heard the slightest intimation of anything of the kind in my life.

Q. Do you know from your association with the Grand Council of the State whether that subject was discussed, or approved of by the order, or not ?

A. Incidentally it was. At the meeting of the Grand Council in Chicago—the last I attended—some one asked what was to be done in regard to the draft, stating that there were some members of the organization in his county would not submit to it, and wanted to know what action the council would take. Mr. Green, I believe, was in the chair, and he said that the council could take no action in reference to the draft ; that it was a rule of the order that they were sworn to obey the laws, and we could not violate them in this instance.

Q. Was any further action taken ? or did the order acquiesce in this matter ?

A. It did, sir ; though no note was taken, several short speeches were made, and the matter was dropped.

Q. Do you remember Judge Morris being at that meeting ?

A. I never saw him, that I know of, until I saw him here.

Q. What was the view of the members of the order in regard to releasing the confederate prisoners, or helping the confederate army in any way?

A. I do not recollect that it was ever discussed; I never heard it brought up in council in my life.

Q. Did this order, either by action or otherwise, contemplate any aid or assistance to the confederate army or the rebellion?

A. I think not.

Q. Was any resistance to the military authorities of the United States contemplated by this order?

A. I think not, except upon the event of interference at the election, and then defensively only.

Q. State whether this order of American Knights was disbanded; and if so, when it occurred.

A. The last meeting that I know anything of was in August, 1863. I think the organization was not then abandoned, but some time in February, 1864, there was a meeting of some of the leading and radical members of the order in New York, and then the order was changed, and, I think, the Sons of Liberty were instituted.

Q. Do you know anything about any proceedings at Chicago, immediately after the national convention, on the subject of disbanding this organization?

A. No, sir; I do not, except from hearsay.

Cross-examination :

By the JUDGE ADVOCATE :

Q. When did you join this order?

A. I think it was in the spring of 1863, at Springfield, Illinois.

Q. Who initiated you?

A. Mr. P. C. Wright.

Q. Where did Wright live?

A. At St. Louis.

Q. Where did he go afterwards?

A. I do not know.

Q. Do you know if he was afterwards one of the editors of the New York News?

A. I have heard so.

Q. Do you not know that this man Wright was the man who promulgated and brought into existence the order of the Knights of the Golden Circle?

A. I do not know. I never belonged to that order; I belonged to the order of the American Knights.

Q. Do you not know that order was changed to the order of the Sons of Liberty? that at the February meeting in New York the name was changed, and some of the cardinal points laid down in the ritual, but that the organization was not disbanded, but moved forward as before, with the same grips, signs, pass-words, &c?

A. I do not know; from what I heard, the ritual was materially changed.

Q. But did not the members of the order of American Knights attend as Sons of Liberty?

A. I do not know.

Q. Then you know nothing in fact, do you, about the order of the Sons of Liberty?

A. No, sir.

Q. Do you know anything about their plan of releasing the rebel prisoners?

A. No, sir.

Q. When you were initiated into the order of the American Knights, did you take the oath?

A. Yes, sir; I took three degrees. I think I took them all from Mr. Wright at one time.

Q. Did you ever see the ritual of the order ?

A. Yes, sir ; and had it explained to me.

Q. You say, do you, that the organization had simply the object to protect your rights at the polls, and protect the order—nothing else ?

A. That is all, sir.

Q. Do you know that it contained anything in reference to the government ?

A. It simply laid down what the order understood to be the fundamental doctrines of the government.

Q. Do you remember the oath ?

A. I have an indistinct recollection of it.

The judge advocate read the obligation of the order, as follows :

I, _____, in the presence of God and many witnesses, do solemnly declare that I do herein, freely, and in the light of a good conscience, renew the solemn vows which I plighted in the V. I do further promise that I will never reveal, nor make known, to any man, woman, or child, anything which my eyes may behold, or any word which my ears may hear, within this sacred T., nor in any other place where the brotherhood may be assembled. That I will never speak of nor intimate any purpose or purposes of this order, whether contemplated or determined, to any one except to a brother of this order, whom I know to be such. That I will never exhibit any or either of the emblems or insignia of the order, except by express authority granted to that end ; and that I will never explain their use or signification to any one not a brother of this order, whom I know to be such, under any pretence whatsoever, neither by persuasion nor coercion. That I will never reveal nor make known, to any man, woman, or child, any or either of the signs, hails, pass-words, watchwords, initials, nor initial letters belonging to this order, neither by voice, nor by gesture, attitude, nor motion of the body, nor any member of the body ; nor by intimation through the instrumentality of anything animate or inanimate, or object in the heavens, or on the earth, or above the earth, except to prove a man if he be a brother, or to communicate with a brother whom I shall have first duly proved, or know to be such. That I will never pronounce the name of this order in the hearing of any man, woman, or child, except to a brother of this order, whom I know to be such. That I will ever have in my most holy keeping each and every secret of this order which may be confided to me by a brother, either within or without the T. ; and rather than reveal which I will consent to any sacrifice, even unto *death by torture*. I do further promise that I will never recommend for membership to this order any man who is not a citizen of an American State, except by dispensation to that end, by the competent authority of the order ; citizenship always resulting from nativity or from due process of law in such case provided ; neither any person who has not attained the age of twenty-one years ; neither a man unsound or infirm in body or in mind, such as a cripple or an idiot ; neither any one of African descent, whether slave or free-man ; neither an avowed and acknowledged atheist ; neither a person of bad repute. That I will ever cherish toward each and every member of this order fraternal regard and fellowship ; that I will ever aid a worthy brother in distress, if in my power to do so ; that I will never do wrong, knowingly, to a brother, nor permit him to suffer wrong at the hand of another, if it shall be in my power to warn him of danger or prevent the wrong.

Q. Who were the oppressed ?

A. Most of us are just now.

Q. What government was it that the order claimed was usurped ?

A. I have never heard that the government was usurped.

Q. Did they not say that the President was exercising usurped powers ?

A. Yee, sir ; I think I have said so many times, but not in the order.

Q. Was it not a cardinal principle of the order that the administration was exercising usurped powers ?

A. It was not a cardinal doctrine of the order, I believe, but I held it.

Q. State whether or not it was not held by that order, universally, so far as you heard it expressed, that the government and administration were exercising undelegated powers?

A. I will not answer for what the members held; I can only say what I held about the matter. I can say what the ritual of the order said about it, and that was nothing at all. I think it is altogether probable that a majority of the members thought that the President was exercising usurped powers.

Q. It does not necessarily follow, does it, that because the President usurped some power, that he usurped all power?

A. I think it is probable that a majority of the members held this same view.

Q. What people had inaugurated a government for themselves at this time?

A. The United States had inaugurated such a government.

Q. What government was then waging war with the government of the United States?

A. The southern confederacy; I say that the confederacy were in arms against the United States; they had taken up arms, and we considered them as a government usurped. I think the President usurped some powers, and I think Jeff. Davis usurped all powers.

Q. Did not this oath have direct reference to—was it not generally understood that they were to assist a people who were endeavoring to establish a government of their own free choice?

A. When I was initiated and that oath was read to me I asked the question whether that oath had any reference to giving assistance to the rebel government, and I was assured most positively by Mr. Wright that it had no reference whatever to it.

Q. Why did you ask that question?

A. Because I wanted to understand it exactly; I thought the language might be tortured into such a meaning.

Q. Do you not gather such a meaning from it?

A. No, sir; I do not.

Q. But it raised a doubt in your mind.

A. Yes, sir; to that extent it did.

Q. What reference had that oath to the coming election?

A. I think it might have had some reference to it. If the democratic candidate for the presidency was successful in securing a constitutional majority, he would have been President of the United States; and any authority holding any power preventing him exercising his rights would be a usurped power, and I think resistance to that power would have been entirely right.

Q. Then it looked forward simply and solely to the event of the democrats electing their President?

A. I think it might have had reference to that, but I do not know that it had sole reference to that; that was my understanding of the matter.

Q. Was it not claimed by the members of this order that the southern people were trying to establish a government of their own free choice?

A. They were undoubtedly trying to do that then, and are now.

Q. Does not that oath swear that order to assist that people?

A. It does not.

Q. Do you swear that?

A. I do.

Q. The judge advocate, quoting from the Sons of Liberty, first degree, read as follows: "I do further promise that I will at all times, if needs be, take up arms in the cause of the oppressed—in my country, first of all—against any monarch, prince, potentate, power, or government usurped, which may be found in arms and waging war against a people or peoples who are endeavoring to establish, or have inaugurated a government for themselves, of their own free

choice, in accordance with and founded upon *the eternal principles of truth* which I have sworn in the V., and now in this presence do swear, to maintain inviolate and defend with my life."

A. I think it would be utterly impossible to write a stronger obligation to the government, the Constitution, and authority of the United States than that oath itself. In the first degree it will be found that we lay down the Constitution of the United States as a fundamental law and doctrine in the United States; and anything contravening that is against the law, and we are against it; anything in favor of the Constitution is law, and we are in favor of it.

Q. Is this, or is it not, the obligation of the first degree of that order?

A. I do not know.

Q. The judge advocate continues to read: "This I do promise, without reservation or evasion of mind; without regard to the name, station, condition, or destination of the invading or coercive power, whether it shall arise within or come from without."

"The government designated the United States of America has no sovereignty," &c.

A. I do not think I ever saw that.

Q. Are you sure that this is not a part of it?

A. No, sir; I am sure that I never saw it, and I have read it a dozen times.

Q. Was it not claimed that the extreme notions held by the order of American Knights were modified and made less obnoxious by the order of Sons of Liberty?

A. I never heard it so claimed.

Q. The judge advocate continued to read from article 11, Sons of Liberty: "It is incompatible with the history and nature of our system of government that federal authority should coerce by arms a sovereign State."

A. I do not believe any such thing.

Q. Do I understand you to say that you assent to the ritual and obligation of the order of American Knights?

A. Yes, sir.

(The witness reads from article seven, first degree, order of American Knights, as follows: "Reflection, observation, and experience seem to have established in the minds of wise and impartial men the conclusion that '*democracy*,' properly organized upon the great principles which our revolutionary ancestors, *patriots and sages*, held, inculcated, and defended, best achieves the grand and beneficent ends of human government.

"8th. The government organized and existing in the original thirteen States of North America, when they had severally and unitedly renounced their allegiance to the government of Great Britain, and dissolved their former colonial relations, we regard as the wisest and best adapted to the nature and character of the people inhabiting the continent of North America at the present day. Under the benign influence of that government a nation has arisen and attained a degree of power and splendor which has no parallel in the history of the human race.

"9th. The government designated 'the United States of America,' which shall blazon the historic page and shed its light along the path of future ages, was the transcendent conception and mighty achievement of wisdom, enlightened patriotism, and virtue, which appear to have passed from earth amidst the fading glories of the *golden era* which they illustrated with immortal splendor. That government was created originally by *thirteen free, sovereign, and independent States*, for their mutual benefit, to administer the affairs of their common interests and concerns, being endowed with the powers, dignity, and supremacy, and no further or other, which are distinctly specified and warranted and conferred by the strict letter of the immortal compact, 'the Constitution of the United States.'")

Q. You think that is correct.

A. Yes, sir.

(E. G. Asay, esq., on the part of Walsh and Grenfel, objected to any further testimony being heard respecting the organizations known as the order of American Knights, or order of Sons of Liberty.)

T. W. Bartley, esq., on the part of Judge Morris, asked that such evidence be admitted.

The court was cleared for deliberation; on being reopened the judge advocate announced that the commission had declined to entertain the objection.)

Q. Do you understand by that part of the ritual, taken in connection with other parts, that the States of this government were sovereign, and that the general government was not sovereign?

A. I understand that the general government derives all its sovereignty from the States?

Q. Do you say that the States, as State organizations, in all matters which they have not conveyed to the general government, are sovereign and supreme?

A. I do.

Q. Do you say that the general government coerces a State?

A. I do not.

Q. The State, then, being sovereign and supreme above the general government, how can the subordinate coerce the superior?

A. It is a delegated power, binding themselves together for perpetual union.

Q. But you still claim, do you, that the States are sovereign and supreme, and that in all matters not delegated to the general government the general government cannot coerce?

A. Yes, sir; I think the Constitution says so. In these particulars the States are sovereign.

Q. Who then is to be the judge of what rights were reserved to the States in which they were supreme, and in what the general government was supreme?

A. I think the question would be very easily decided. I think the members of the order were not to decide that for themselves; they may have expressed their opinions.

Q. Did they, as individuals, express their opinions?

A. I cannot answer that question exactly. They may have entertained their opinions, but I do not think any of them tried to enforce their opinions upon other members.

Q. Did you hear any of the members express their opinions in the order?

A. I wish to say that I am quite satisfied that what you have read, as part of the ritual, never was a part of the ritual of the order of the American Knights, but is that of the order of the Sons of Liberty. The oath read I admit.

Q. Did you, or did you not, hear the members of the order in consultation, in and out of lodges, express their opinion as to what particulars the States were sovereign in?

A. I suppose I have.

Q. You say the general government had no right to coerce a State, do you?

A. Yes, sir.

Q. Suppose the government did undertake to coerce a State, did your oath bind you to take up arms in defence of those that might be coerced?

A. Some men in the order may probably have entertained views of that kind. I do not know whether there were or not; but if so, I do not believe their opinion would be of the weight of a feather upon the ocean.

Q. Have you heard a man express his opinion as to whether the southern States were coerced or not?

A. I suppose I have. I think I have heard this in as well as out of the order.

Q. This question, then, was discussed in the order, was it?

A. I have heard talk about the matter, though the question may not have been under regular discussion. I have heard persons in the council express their opinions in regard to the war generally. The only thing I remember at Chicago was what I stated in reference to the draft.

Q. Who spoke at that meeting?

A. I think Mr. Green was in the chair, and made a speech. Mr. Burns, of Laton, and I think I made a speech myself in that grand council. Mr. Green said the order would not resist the draft, but advised obedience to the law.

Q. Did you make a speech at Peoria in 1864?

A. I did.

Q. Were you aware that the advertisements were paid for, and other expenses incident to that meeting were defrayed, by funds furnished by the rebel government?

A. No, sir, I do not; but I know the contrary.

Q. Do you know that the money that bought certain papers to oppose McClellan was furnished by the rebel government?

A. I think it is altogether probable that they would furnish money to prevent the election of McClellan, but I never heard members of the order say anything about it.

Q. Who was it made a speech at the meeting of the Grand Council in Chicago, advocating resistance to the draft?

A. Nobody made a speech advocating resistance.

Q. State whether any person at that time advocated resistance to the draft?

A. I do not know that there was.

Q. Were all the speeches made in that meeting against resistance to the draft?

A. The man who asked about it simply said that there were some in his county who intended to resist the draft.

Q. Is that the only time you ever heard anything said about resistance to the draft?

A. Yes, sir.

Q. You said something about the organization being armed, did you not?

A. Yes, sir; but I said that the members were not armed by the organization.

Q. What was the extent of the order in Illinois?

A. I do not know.

Q. State approximately.

A. I suppose that at that time, July and August, 1863, there were from 10,000 to 30,000.

Q. And you say, do you not, that they were mostly armed for the purpose of protecting themselves at the polls?

A. Yes, sir.

Q. What was the ground for believing they would not have their rights at the polls?

A. They had a great many reasons for so believing, from the military arrests that were made by the authorities of the United States.

Q. Can you designate any particular persons arrested?

A. I do not know that there was any special arrests specified; I do not know whether Vallandigham's was or not.

Q. Were there any special arrests save those of Vallandigham and Dr. Olds?

A. Yes, sir, there were a great many in my State.

Q. Who were they?

A. There was Shehan, who was arrested by the authority of the President, but I never knew what he was arrested for; he was taken to Fort Lafayette, and afterwards dismissed without any trial; he was charged, I think, with general disloyalty. Mr. Johnson, of Galena, was also arrested. These arrests were the causes that created fears.

Q. Fears of what?

A. That arming might be necessary to resist encroachments upon their rights.

Q. If these were encroachments upon their rights, they were to arm themselves to resist such encroachments, were they?

A. I do not know.

Q. Was not this one of the causes of their fears, and of their arming?

A. I say the acts of the administration, its general encroachments upon the rights of the people, and its violations of the laws, were the causes that created these fears in the minds of the people; and these fears caused them to think it necessary to arm themselves as they did.

By S. W. BARTLEY, esq.:

Q. Was the arming that you speak of to defend their rights at the polls?

A. Yes, sir; so I understood.

Q. Had that arming in view any resistance to the laws of Congress, or the administration?

A. No, sir, it had not.

Q. You have said, have you not, that in your judgment, the President had exercised undelegated or usurped powers?

A. Yes, sir; that is my opinion.

Q. Was that simply the opinion of a person, or was it in consequence of any action of the order?

A. There never was any action of the order in regard to anything of the kind; it was simply an opinion expressed on the subject.

Q. Did this order contemplate, or did it take, any action with a view to resist any law of Congress, or any power that the President had assumed?

A. It never did, sir; I do not think there were twenty members in the State that would have remained in the organization a minute after such a determination had been expressed.

Q. Did your order contemplate opposition to what they supposed to be improper exercise of power by the President, in a lawful, or an unlawful, way?

A. In a lawful way only.

Q. Was any unlawful mode of opposing the administration proposed or acted upon by that order, to your knowledge?

A. Never, sir, to my knowledge.

Q. Was there, as far as you know, any disposition on the part of the order to oppose the measures of the administration in carrying on the war?

A. None that I know of.

Q. Did the obligations of the order require the members to resist the exercise of power by the administration, in any way except by an appeal to judicial or legal tribunals?

A. They never did.

Q. Did the order take any action in regard to resisting military arrests?

A. No, sir; the military arrests were discussed in the order as they occurred; and they would be generally denounced, as they generally were at every political meeting throughout the State; but no action in regard to resisting them was taken; their action was in regard to asserting their rights at the polls. At that time the democrats were perfectly satisfied that they would carry the election, and if their candidate carried the election, they expected to have him President, or have a little fight; but if he was not elected they expected to submit quietly, as they have done.

Q. State whether the declaration in favor of the Constitution of the United States, which you read, was considered the basis of this organization.

A. That was what I understood, and what every member understood, as far as I conversed with them.

Q. Were the other forms of the ritual to be construed with reference to this part of the ritual?

A. Yes, sir.

Q. State if the order considered that the rebellion in the southern confederacy was, in fact, an invasion of the rights of the Constitution.

A. I can speak but for myself; but as far as I know, it was their opinion that it was an infraction of the Constitution of the United States, and a government usurped.

By the COURT:

Q. When you took the oath with regard to a "government usurped," did you have reference solely to the usurpation of the southern confederacy?

A. I do not know that I thought of that at all. I never thought of the question as you now present it.

Q. Do you know the Union League was armed for any purpose whatever?

A. I never was in one of their lodges, but I have every reason to believe they were; I have been told by members of that order that they were, but I do not know of my own knowledge.

Q. Who, according to your views, and the views of the order, were "oppressed" at the time you took the oath, and have been since the commencement of the war?

A. I do not know that the order had in view any person, or any people, particularly; I do not think they had.

Q. Did the order of American Knights hold that the South was oppressed by the government of the United States?

A. I never heard any one say.

Q. Then why the necessity of this formula?

A. It was laid down as a general principle, but I do not know that there was any special reason for what is there said.

S. REMMINGTON, Jr., a witness for the accused, was then introduced, and being duly sworn by the judge advocate, testified as follows:

By the accused:

Q. State your name, residence, and occupation.

A. I reside in Chicago, Illinois, where I have lived since September 4, 1864. I came originally from Cleveland, Ohio. I am selling goods in the store of T. P. Burns.

Q. Were you at a meeting on the Sunday before the election?

A. Yes, sir; I was at a meeting at the Invincible Club room. I went at the invitation of Mr. Walsh. He said there would be a meeting to prepare for the election on the following Monday.

Q. About how many persons did you meet there?

A. I counted them, and I think there were between thirty-five and forty.

Q. Will you state, as nearly as you can, what transpired there that evening, particularly with regard to Mr. Walsh?

A. There was not much done of importance. It was stated that we were preparing ourselves for the election on Monday; I think the Grand Seignior said this. I understood afterwards that this was a meeting of the society of the Illini; but I do not consider it such. At that time I was not a member of that organization, having left it ten months before.

Q. Did you see Dr. Ayer there? and if so, what part did he take?

A. Yes, sir; I thought he was very active. The first thing that came up before the meeting, I think I spoke myself, and said I had seen men in the city that I thought would vote the republican ticket; and I wanted to know if anybody had looked after them; and some other person in the meeting also wanted to know the same thing. Mr. Walsh said that there were men in the city to vote the democratic ticket, and we must be careful that we did not challenge our own friends on to-morrow's election. I therefore understood by that that they were democrats, but I do not know where they came from.

Q. What was said in reference to the election?

A. Hull wanted to know who brought those men there. I left the organization in consequence of this Mr. Hull being a Union League spy. Nobody replied. Mr. Hull insisted upon knowing. He said this was a secret organization, and one brother ought to know what another brother did; and he therefore insisted on knowing. I said I thought it was not proper that it should be stated for what purpose they were brought; I said I supposed they were brought for a special purpose; and I said there were spies in the organization, and it ought not to be stated who brought them there.

Q. What was said, if anything, by Dr. Ayer?

A. He spoke in regard to the arms. He said arms would be delivered to democrats to protect themselves. Mr. Walsh also said that; but he said those arms must be returned after the election; that they would be delivered to democrats, and they would be held responsible. Dr. Ayer presented a small revolver to the audience; he said he did not think that would be sufficient; he wanted one that would shoot straight and far. He said we ought to be armed; that the Union Leaguers were armed; that they were disciplined men, and drilling nightly.

Q. Did Walsh say anything in regard to the manner in which these arms were to be used?

A. Walsh said he should give the members arms; but he hoped there would be no occasion to use them. He thought the election would pass off peaceably, and that we should succeed in carrying the county of Cook; but he felt certain we could carry the city.

Cross-examination:

By the JUDGE ADVOCATE:

Q. When did you join this order?

A. In the winter of 1862. The society was then called the Illini, but it was understood to be the American Knights.

Q. What was it called at the time you attended the meeting on the Sunday night preceding the elections?

A. I do not know, sir; there were several there that I never knew as members.

Q. Who presided at that meeting?

A. Obadiah Jackson.

Q. Did any other officer preside?

A. No, sir.

Q. Where had you seen these men that you speak of?

A. I think I saw them Saturday night in front of the Sherman House, and I said to a friend of mine that I thought these men were brought here by "Long John" to vote the republican ticket; I also spoke to another gentleman, and said I would watch them. There was a meeting at the Bryan Hall, and they were led around by a gentleman who, I noticed, went and spoke to a hackman. I afterwards stepped up to the hackman and asked who that person was, and he said that he was a government detective.

Q. When did you find out that they were not republicans?

A. I found it out at the Sunday night meeting. Mr. Walsh said that those men were here, and that we must not challenge them.

Q. For what purpose were they there?

A. I suppose they were there to assist us in case the republican party should interfere with our elections; that they were there to assist us in the event of the republicans overruling us, because we were bound to have a free election or a free fight.

Q. How were those arms to be used?

A. If I went to the polls to vote, and any man should force me away, I should fight for my rights; and I understood the arms were distributed for that purpose.

Q. And did these men come to assist you in this?

A. So I understood, and that is the conclusion I came to.

Q. Did you take any part in inviting these men to boarding-houses?

A. No, sir.

Q. Did you understand that they were going to vote?

A. I did not; if I had, I should have thought it a very foolish proceeding, as I thought we had enough democrats to carry the election without it.

Q. Do you know of any committee appointed to conduct them to boarding-houses?

A. There might have been, but I do not know anything about it.

Q. Do you remember distinctly that Dr. Ayer said the Loyal League was armed, and that this society ought to be armed?

A. I took more notice of Dr. Ayer, because I thought he as well as Hull were Union Leaguers. This was the reason why I left it.

Q. Why did you go back?

A. I did not; I went to the meeting because I thought it was a meeting of democrats.

Q. On whose motion did Mr. Jackson take the chair?

A. I do not know.

Q. Was there any motion?

A. I could not say.

Q. Did not Mr. Jackson assume the chair?

A. Yes, sir, I thought he did, as Grand Seigneur.

Q. When it was said by Hull that one brother should know what was done by another brother, was that like a general meeting?

A. I thought it was a very foolish idea of the Illini to have a meeting of the Illini, and I thought, and subsequently understood, it was a meeting of democrats. I said to Mr. Hull, at the time, that I did not consider this a meeting of the society of the Illini, and he said it was; and I said I thought it was a democratic meeting.

By the Court:

Q. When did you leave the organization?

A. I cannot say; but I was never at but one meeting after Dr. Ayer was initiated.

Q. Did you formally withdraw?

A. I refused to pay my dues.

Q. How do you know that persons entering that meeting were not challenged at the door?

A. For the reason that the door stood open after the meeting commenced; and I also went out during the meeting, and there was no challenging at the door.

W. R. CAMPBELL, a witness for the accused, was then introduced, and being duly sworn by the judge advocate, testified as follows:

By the accused:

Q. What is your name and residence?

A. W. R. Campbell; I reside in Chicago.

Q. How long have you known Mr. Walsh and his family?

A. I have known his family since last March; Mr. Walsh I have known since he was sergeant-at-arms in the house of representatives in 1863.

Q. Had you known of him before that?

A. Yes, sir.

Q. Were you engaged in recruiting or in assisting in recruiting a company for one of the Irish regiments?

A. Yes, sir; for the ninetieth regiment, Father Dunn's regiment. It was afterwards commanded by a man by the name of Kelly. I was to have been first lieutenant of a company.

H. Ex. Doc. 50—21

Q. Did you know Mr. Walsh when you were raising that company?

A. Yes, sir; I know he was actively engaged in raising that regiment.

Q. In what particular post were you engaged last summer prior and subsequent to the nomination of McClellan?

A. I was acting as private or confidential secretary to the chairman of the central democratic committee, Isaac R. Dill.

Q. Did you during the summer of 1864 learn of the existence of arms within the control of the democratic party, for their use?

A. Yes, sir; in hearing democrats speak of it.

Q. Did you afterwards learn where those arms were stored?

A. I knew there were arms at Mr. Walsh's house; those I saw were revolvers.

Q. How many did you see?

A. I saw one trunk full of revolvers.

Q. Under what circumstances did you see those?

A. It was immediately before going to Peoria. I was then reporter on the Chicago Times. Mr. Walsh told me that he anticipated trouble, and he was going to take arms in case we were attacked. He asked me if I would take a trunk-full of these revolvers down to the depot. I told him I would. I took these revolvers from Mr. Walsh's house down to the train, had them checked, took possession of the ticket, and had the trunk taken to the Peoria House for Mr. Walsh.

Q. What revolvers were they?

A. The kind commonly known as eight-inch revolvers.

Q. Were any orders given by Mr. Walsh, in reference to those arms, as to whom they were to be delivered?

A. I cannot say that I knew of any orders; but he said they were for democrats, for self-protection, and he offered me one of them.

Q. Did you ever become acquainted with Mr. O'Brien, a lawyer?

A. I met him there.

Q. Did you know of his taking charge of any of those revolvers?

A. I heard him and Mr. Walsh speak on that subject.

Q. Do you know his handwriting?

(A piece of paper with writing on it was here handed to the witness.)

A. I think this is his handwriting; I have no doubt about it. I have seen his correspondence, and have his writing in my possession.

Q. Is he a leading democrat in that part of the country?

A. He is, sir.

(A slip of paper was here offered in evidence, said paper marked J J, and hereto attached and made part of this record.)

Q. Was there any onslaught made on the meeting at Peoria?

A. No, sir.

Q. Were the arms used?

A. No, sir.

Q. Did you know afterwards of arms belonging to the democratic party continuing at Mr. Walsh's house?

A. Yes, sir; I learned of it from his family. Afterwards, when it was anticipated that the Chicago Times office was likely to be attacked, I saw some arms, and I heard Mr. Walsh and others say that those arms were for the protection of that institution in case it should be attacked. That was at the time Mr. Storey was knocked down by Horse Heady. There was at that time great excitement about the building. Mr. Newhouse had also been knocked down, and, as the authorities had refused to arrest the assaulting parties, there was considerable excitement.

Q. Of what political party is Horse Heady?

A. He is known to be a rabid abolitionist.

Q. Is he an active partisan of the republican party?

A. In a small way, he is.

Q. Did you know of the continuance of those arms in Mr. Walsh's possession up to the day of the election?

A. Only from Mr. Walsh's speaking of having arms there. I heard other parties speak of there being arms there for the use of the democratic party.

Q. Whose house in the vicinity of the camp was regarded as the headquarters of the officers of the ninetieth regiment?

A. I think Mr. Walsh's house. At the time I was recruiting for the regiment, his house was regarded as the general rendezvous for that regiment, and the officers of Camp Dunn made Mr. Walsh's house their headquarters generally.

Q. From your connection with Captain Diller, and your knowledge of the democratic party, what was the status of Mr. Walsh?

A. Individually I know that Mr. Walsh has been very active in raising regiments, and was considered a strong democrat; and he was particularly known as the friend of the Irish soldiers in the field.

Cross-examination by the JUDGE ADVOCATE:

Q. Were you ever a member of this organization?

A. No, sir.

PATRICK BURNS, a witness for the defence, was then introduced, and being duly sworn by the judge advocate, testified as follows:

By the accused:

Q. State your name, residence, and occupation.

A. Patrick Burns; Chicago. I am in the paid fire department. I have been so engaged for four years. I came from California, and was engaged in the mines.

Q. Have you any family in Chicago?

A. I have a mother that I support.

Q. Have you any brother in the army?

A. Yes, sir; I have a brother who has served five years in the army of the United States.

Q. Have you, since your brother returned, induced him to change places with you?

A. Yes, sir.

Q. Of what politics are you?

A. I am considered a democrat; I never took much part in politics.

Q. Were you present at the Sunday night meeting held at the Invincible Club room?

A. Yes, sir.

Q. Did you see Dr. Ayer there?

A. I did.

Q. State what he said and did.

A. The business of that meeting was wholly devoted to election day. I remember something was said respecting some men that were in the town, and inquiry was made as to what they were there for, I think, by Mr. Remington. He said he had seen five or six men in the court-house square on the Saturday preceding, and from their appearance he judged they did not belong to the city; and he watched them and saw a man in conversation with them, and he inquired, I think he said, and ascertained that he was a detective.

Q. What did Dr. Ayer do or say?

A. That democrats would have a good deal to do; that they should be prepared for all emergencies. He encouraged democrats to be prepared, and it was understood they were to be prepared with arms.

Q. Did he exhibit any arms?

A. Yes, sir; it was proposed that names should be given in of those who

wanted arms for themselves, or any friends they knew to be good democrats. I know names were handed into the Grand Seignior that night; Dr. Ayer pulled out his revolver and said, "This is what I have got; I do not think it is sufficient, and I want something that will shoot far and straight."

Q. Where were those arms said to be deposited?

A. It was said, and generally understood, that the arms were at the house of Mr. Walsh.

Q. What did Walsh say?

A. Mr. Walsh stood up to answer the inquiries of the men, and said he understood the men were all right, and that we must be careful not to challenge our own friends on election day.

Q. What did he say in reference to the arms?

A. The understanding was that the persons having those arms were to be responsible for them; each party was understood to be responsible if they were not returned.

Q. State whether or not you know of a box or trunk of cartridges being made in Chicago and sent to Charles Walsh's house.

A. The first intimation I ever had of the necessity of having cartridges or ammunition in preparation for the election was through Mr. Strawn. I was one day in front of the "Journal" office, (republican newspaper,) which is usually very much crowded, as it is the spot where men congregate to hear the news. Strawn came along and shook hands with me, and we went across the way and took a drink, and we spoke about politics; he said: "We are asleep; we are all talk and no action; there is the Union League, they are armed and drilled nightly at Union Hall." I think he mentioned four or five halls, and he said we ought to be even with them. I coincided with what he said, and I asked what he would do; he said, "We must prepare like the Union League; what could we do if they interfered with us at the polls? that every young man should make preparation, and help all he could."

After this I met James Geary, the same day or the day afterwards. I told him what Strawn had been telling me, and he said then that the young men were making preparations, getting up cartridges, or something of that kind, and he said he would like to assist, but he said that he would not like to make them where he lived, his mother and children being around. He knew I had a room on Water street, and he asked permission for them to be deposited there, and I gave him the key of the room.

Q. Were cartridges made there?

A. The cartridges were delivered there; I was not there when they came, but I went to my room after my conversation with Geary, and I saw a dozen or a dozen and a half on the top of the bureau, and I told him (Geary) that that was no place for them, and he said he would get a box for them, which he did.

Q. Did you assist in making cartridges?

A. I admit I made some; I suppose I made about a dozen myself. The trunk remained there, and I pushed it under the bed. I presume that cartridges had been made and deposited there, although I do not know who the parties were that made them.

Q. For what purpose did you make the cartridges?

A. My understanding was that they were to be used at the election day, in case of an interference. I asked Geary what was the object of these cartridges; that we could not take them to the polls. He said we wanted those in case we were interfered with, to fall back upon. The trunk remained at my room for probably two weeks. I wished the box removed, and Geary promised to attend to it. Next day, as I was passing his store, he called me, and he said he would be obliged to me to get an express and take them to Charles Walsh and he would pay the expenses. In the afternoon I got an express, and gave the man directions to take them to Mr. Walsh, and that is the last I know of them.

Cross-examination by the JUDGE ADVOCATE :

Q. When did you join the secret organization referred to?

A. Probably a year ago.

Q. Did Charles Walsh belong to the organization?

A. I never met Mr. Walsh till the Sunday night.

Q. Have you seen Judge Morris at the meetings?

A. Yes, sir; about five months after I joined. The last five or six months I have not seen him at any meeting; I think I have not attended above five or six meetings altogether.

Q. What kind of interference was it that was spoken of by Mr. Walsh?

A. Interference by the Union League, I understood. The impression was general at that time in Chicago that there would be interference at the polls.

Q. Who spoke of that?

A. I know Dr. Ayer spoke of it at that meeting.

Q. Any one else?

A. Mr. Geary did, also; it was the general impression.

Q. What gave you such an impression?

A. The Chicago Times, and, I think, the Chicago Post spoke of it; I believe the Chicago Times said that an interference at the polls was anticipated.

Q. And was this the reason of your getting arms for the fight?

A. That was about the amount of it.

Q. Was anybody else expected to interfere at the election?

A. I never thought the soldiers would interfere; I always thought that republicans generally would take part; that was my impression.

Q. And was that the impression of all with whom you talked?

A. I had conversation with many who thought so, but trusted it would not be so, though the democrats generally were preparing for an interference at the polls and if interfered with they were to make a struggle.

Q. Do you know how general this interference was expected to be?

A. No, sir.

Q. Do you say the cartridges were made in your room?

A. Yes, sir; some were made there and some were brought there.

Q. Who taught you to make them?

A. On one occasion I went shooting in Australia, when I believe I first made cartridges.

Q. Who assisted you in making cartridges in that room?

A. No one was there when I made them.

Q. Who else made them in your room?

A. I do not know; I believe Mr. Geary; and I understood some cartridges were brought there.

Q. Did Geary tell you where they were made before they were brought there?

(Question objected to and objection withdrawn.)

The commission then adjourned to meet on Monday, March 6, 1865, at two o'clock p. m.

COURT-ROOM, CINCINNATI, OHIO,

March 6, 1865—2 o'clock p. m.

The commission met pursuant to adjournment. All the members present; also the judge advocate and assistant counsel, the accused and their counsel.

The proceedings were read and approved.

The examination of Patrick Burns, a witness for the accused, was then resumed as follows:

By the accused:

Q. Did Geary state to you where the cartridges were made?

A. He never made any statement to me as to where they were made; I never learned where they were made from anybody.

Cross-examination by the JUDGE ADVOCATE :

Q. Where did those cartridges come from ?

A. I have no idea where they came from ; those who made them belong to the democratic party but I do not know who told me so.

GRANT GOODRICH, a witness for the accused, was then introduced, and being duly sworn by the judge advocate, testified as follows :

By the accused :

Q. State your name, place of residence, and profession.

A. Grant Goodrich ; I reside in Chicago ; I am an attorney and counsellor at law.

Q. How long have you been a practicing attorney ?

A. Since 1834.

Q. Have you ever held any office in the county of Cook ?

A. I have been judge of the superior court for nearly five years, till within a recent period.

Q. How long have you known the accused, Judge Morris ?

A. Ever since he came to Chicago, which was in the latter part of 1834 or the early part of 1835—fully thirty years.

Q. Have you ever been connected with Judge Morris in business ?

A. He was a partner with me one year, at least—it may have been two ; that must have been in 1851.

Q. Do you know whether Judge Morris is possessed of considerable property in Chicago ?

A. I understand he is ; at that time he was considered quite wealthy. I do not know how I have got the impression, but I think he may not be possessed of so much property as in 1857.

Q. Up to the time of the commission of these alleged offences in November last, was he the possessor of considerable property in Chicago ?

A. Yes, sir ; of a large amount of property.

Q. Can you state of what that property consisted ?

A. Not with certainty, that would be reliable. I know he did own property some years ago, but I cannot say with certainty that he owns it now, or that he did in November last. He is reputed to own certain houses which he has there ; he is understood to be the owner of the house in which he lives.

Q. Did he own the property immediately in the rear of the Catholic cathedral ?

A. I understood that he sold it.

Q. Had he any interest in the building known as the Masonic Temple ?

A. He had ; but whether his ownership continued till November, I do not know. I know that he assumed a debt on the building of some \$40,000 or \$50,000, and thereby became the owner ; it is a building worth \$60,000 or \$70,000.

Q. What might be the value of the house lately occupied by Judge Morris on Washington street ?

A. From \$20,000 to \$25,000.

Q. What is the character of the building ?

A. It is a very good brick building with the modern improvements ; three stories high and a basement, with barns, and other back buildings. The lot is not very deep.

Q. Have you resided in Chicago during the past thirty years ?

A. Yes, sir.

Q. Has Judge Morris resided all that time in Chicago ?

A. Yes, sir.

Q. Do you know what is his general character among his neighbors, as to being a humane, kind-hearted man?

A. Yes, sir.

Q. What is it?

A. It was, and is, very good, sir.

Q. Have you become very familiar with his style of oratory?

A. Yes, sir.

Q. How would you characterize Judge Morris's style of oratory?

A. As very vehement, extravagant, and exaggerating; as we lawyers say, he deals in a bushwhacking style, and uses all the camp and slang phrases that give emphasis to the expression of his ideas.

Q. Is he a man who in the course of his speech-making grows very excited?

A. Yes, sir; and speaks with considerable rapidity, and seems to say what comes into his head first.

Q. Are you aware that for some time Judge Morris has been opposed to the policy of the administration?

A. Yes, sir; I so understood, though I have not had any conversation with him on that subject since 1861.

Q. What are your political views?

A. I am a republican.

Q. Are you aware of what is the prevailing opinion among Judge Morris's neighbors as to his being a loyal citizen of the United States?

A. Perhaps I could not answer that question to make it general; since this matter occurred I have had very little conversation in regard to him, except with my immediate associates; but previous to his arrest, some would go so far as to distrust his loyalty, more especially in connection with his wife, her position being somewhat reflected upon him; but I think the general impression was that he would not engage in anything treasonable to the government. He was deemed pretty violent in his opposition to the present administration; and what in his profession might be tolerated, would not be looked upon with the same toleration when it related to the government; and perhaps there was, among some, a little distrust; but taking the community at large, I do not think they would doubt his loyalty, or suppose he would be guilty of anything treasonable, or which had for its purpose the overthrow of the government.

Q. Was he not regarded as a man who would be faithful to the Constitution of the country?

A. He was of the Constitutional party, and their professions of devotion to the Constitution were very loud, but whether they had any more real devotion than those who did not make such loud professions, I cannot say; he was loud in insisting upon the Constitution being literally carried out. Though our relations have been entirely friendly, yet, from some cause, we have not been as intimate for three or four years as we were before.

Q. Have the courts of the United States ever since the first of November last been entirely unobstructed in the northern district of Illinois?

A. Yes, sir.

Q. Is the administration of the laws of the federal government entirely unimpaired, as before the war?

A. Yes, sir.

Cross-examination:

By the JUDGE ADVOCATE:

Q. In speaking of Judge Morris upholding the Constitution, state if his conduct and reputation in that particular was not simply as to his standing by and upholding it, as he considered and understood it?

A. I understand that it was so.

Q. Was it not a notorious fact, throughout the country there, with those who knew Judge Morris, that he insisted upon the Constitution recognizing the States

as separate sovereignties? That the Constitution framed the government as a confederation of States rather than as a nationality.

A. If that was his doctrine he has changed it within a few years. He was a Webster and Clay man before that.

Q. Have not all the Breckinridge democracy changed very much in this respect of late years?

A. Yes, sir.

Q. Have they not held that the general government had no power to coerce a seceding State?

A. I do not know that, as I have never heard his views brought in question in regard to that. I have never heard him speak upon that since the war commenced.

Q. What was his reputation in Chicago, as being opposed to or in support of the war?

A. Within the last two years he was said to be opposed to the war. He was a peace man, as I understood. In the early part of the war I understood he was in favor of it.

Q. Did that reputation go to the extent that he was willing and ready for peace upon the terms of separation?

A. I could not say.

Q. Was not that his reputation in the community there? Did he not claim and maintain this doctrine, and did he not act with those that advocated those doctrines?

A. Prior to and during the convention I understood he was of the radical peace wing of the democratic party.

Q. State whether he and the party with whom he affiliated did not admit that they were in favor of separation.

A. They so expressed themselves, openly and defiantly, during the convention.

Q. Did Judge Morris act with that wing of the party?

A. He was reputed to act with the peace wing of that party. I never had but one conversation with him, and that was in 1861. Then he was opposed to secession, and he was in favor of the Crittenden compromise, and he said then that they wanted to take Kentucky out, but they could not do it; that Crittenden and the leading men would take care of Kentucky.

Q. Were not those very men who so believed and acted in 1861 gradually drifted with, and have they not since acted with, the peace party? Did or did not many of those who were supporters of the war openly claim that Judge Morris was disloyal and a traitor?

A. Some of them did, and others took the opposite ground.

Q. What proportion of them claimed that he was disloyal?

A. Until before the convention, perhaps the majority of them looked upon his ultra expressions as his manner of speaking, and did not regard his sentiments as really disloyal; but since then the majority may have thought that he was being carried beyond the line of loyalty.

Q. Do you say Judge Morris is a hasty man?

A. No, sir; I think he would calculate his position beforehand.

Q. When he takes a position, does he not act with prudence and caution?

A. I think so, sir. After taking the position he becomes radical and talks extravagantly, but I think his place is taken upon full reflection.

Q. Is there anything in the character and nature of Judge Morris that would believe the old adage "that from the abundance of the heart the mouth speaketh?"

A. I think there is; he has the reputation of managing a bad case a great deal better than a good one. My experience is that this is so. He will take a case that no other lawyer would think there was anything in, and he will carry it through. I think one would involve the other; I think, if he undertook to carry it through, he would, as far as words would go, carry it through.

Q. Do you think he lacks caution; that if he undertook a bad case he would show it?

A. I do not think he is what is called a sly man; he takes his position openly and aboveboard; he neither asks nor seeks concealment. I think he is a pretty cautious man in his business matters.

Q. Is not that very candor the best way of concealing his real intentions?

A. I do not know. I do not think there would be a design of that kind.

Q. Is all that you have said about Judge Morris's property from hearsay?

A. I cannot speak from examination of the titles and his being in possession of the property; I think his possession of the property referred to was generally admitted.

By ROBERT HERVEY, esq.:

Q. You say, that you, that early in the war Judge Morris was in favor of its progress?

A. Yes, sir; I think his views involved that. He was opposed to the secession of Kentucky, and did not at that time oppose the means that were used to keep her in the Union, and to bring the other States into subordination to the Constitution and the laws. By reputation I understand that his views have changed.

Q. Was it not when the emancipation proclamation came out, and when it was stated that the war had ceased to be for the Union, and had become a war for the negro, that his views were changed?

A. I could not state that; I do not think it has anything to do with it. It is within two years and a half that people have begun to mistrust the judge's position and talk a little doubtful of his loyalty.

Q. Was that about the time when there was this change in the mode of prosecuting the war?

A. I think it commenced a little before that.

Q. Did you assent to or dissent from the following?

(The judge advocate read the 6th article from the ritual of the O. S. L., as follows:

"The American government, designated the United States of America, has no sovereignty, because that is an attribute belonging to the people in their respective State organizations, and with which they have not endowed that government as their common agent.")

A. I said nothing; I stood there and heard it read when I was initiated; you may infer what you please. If those declarations of principles were read to me, I only gave a formal assent.

Q. Do you assent to them now?

A. I dissent; I do not believe in State sovereignty as there expressed.

Q. Do you believe that the general government can exercise only delegated power?

A. I do.

Q. Do you claim, "in accordance with these principles, the federal government can exercise only delegated power; hence if those who shall have been chosen to administer that government shall assume to exercise power not delegated, they should be regarded and dealt with as usurpers."—Art. 7, O. S. L.

A. That would imply armed resistance; I do not believe in that. I think a usurper would be met by armed resistance. I do not know that there is anything incorrect in the principles there enunciated; but I do not imagine that such an emergency has arisen in the United States of America, but I can believe that such an emergency might arise, and that the whole people would rise up against it.

Q. Did you hear any of the members of the Sons of Liberty claim that the members of the government were exercising undelegated power?

A. Yes, sir; I have heard that said, both in and out of the order.

Q. Did you believe in those principles?

A. I do not believe in a resort to arms, when it is thought the officials of the government exercise undelegated powers.

Q. How can you say that the purpose and object of this organization was in reference to protection at elections?

A. I regarded these declarations and principles as all gas, very much like a political platform.

Q. Then do you admit that you and the members subscribed to an oath by which they did not intend to be guided?

A. There was no oath that I know of.

The judge advocate read from the obligation of the ritual of the O. S. I.:

"I —, in the presence of God and these witnesses, declare that I do herein freely renew the vows which I plighted in the V. I do further promise that I will never reveal nor make known anything which my eyes may behold, or any words which my ears may hear, in this T., nor in any other place where this fellowship may be assembled"

Q. Do you remember this?

A. I do not, sir.

MURRAY F. TULEY, a witness for the accused, was then introduced, and being duly sworn by the judge advocate, testified as follows:

By the accused:

Q. State your name, residence and profession.

A. Murray F. Tuley; Chicago, Illinois. I am counsellor at law, and have been in the profession since 1847.

Q. Are you acquainted with Judge Morris?

A. Yes, sir; I have known him since 1843.

Q. Has he resided in Chicago since that time?

A. Yes, sir.

Q. Have you been intimately acquainted with him during that time?

A. During most of the time.

Q. Is the judge a man of considerable property in Chicago?

A. The only knowledge I have is from his reputation, and from occasionally seeing abstracts of titles of his property.

Q. State what property he was possessed of in November last, and what was its character and value.

A. The house and lot where he resided at the time he was arrested, corner of Dearborn and Washington streets, is a three or four story brick house, on a 26 feet lot; I should think was worth about twenty thousand dollars; he also owned a lot on the corner of Madison and State streets, on which there were several frame buildings, seven or eight, I think; that is 150 or 200 feet square, covered with wooden buildings, that would be worth sixty to eighty thousand dollars. He also owned some interest in the Masonic Temple; he is reputed to have the entire title, but I learned there were others interested with him. The entire value of that property is about one hundred and twenty thousand dollars.

Q. Do you know of any other building in the city that he owns?

A. I do not.

Q. Do you know Judge Morris's reputation in Chicago as a man of humane disposition?

A. I do.

Q. What is it?

A. He was remarkable as a kind and humane man, a man whose sympathies are easily touched by any story of grief or sorrow.

Q. How long have you been in practice in Chicago?

A. Over ten years.

Q. Do you know his style of oratory ?

A. Yes, sir.

Q. Have you heard him making political speeches ?

A. Yes, sir ; I have heard him several times within the last four years.

Q. How would you characterize Judge Morris's style of oratory ?

A. He has a very extravagant and exaggerated style ; some persons may call it a "*blow hard*" style.

Q. Is he in the habit of using cant, slang phrases ?

A. Yes, he is very peculiar in that, and uses an abundance of them, some that are peculiar to himself.

Q. Can you recollect any case on which Judge Morris made use of any particular phrases ?

A. I recollect at the sitting of the supreme court of the State of Illinois, Judge Morris was making a speech in a case of *Innis vs. Ross*, for malicious prosecution; Judge Morris had obtained a verdict in the lower court of ten thousand dollars; they claimed it to be an error, and the argument in the superior court was by Judge Morris; I remember his referring to the fact of the case being tried a number of times, and remarking : "If your honors please, this case has been tried four times by a jury; the first time we beat him and got five thousand dollars damages; then we brought the case up here, and your honors, for some reason or other, sent it back; we tried it again, and got a verdict of three thousand dollars damages; if they had been wise they would have paid that; but they moved for a new trial and we tried it again; this time the jury hung; and the last time we tried it we gave them hell under the shirt and got ten thousand dollars damages."

Q. Does the judge indulge in that same style in political speeches ?

A. Yes, sir; and in private conversation too.

Q. Is a man of strong feeling ?

A. Yes, sir; I should say a man of strong feeling and strong language, but a kind and warm-hearted man.

Q. What are your politics ?

A. I claim to be a war democrat.

Q. What is the prevailing opinion in the community in which he lives, as to Judge Morris's loyalty to the government of the United States ?

A. I never heard it questioned, except by a man who would call every democrat a disloyal man—(the man is an extreme republican.) I think his reputation was that of a loyal man; I heard his wife's loyalty questioned, but not the judge's.

Q. Does that extend up to the time of his arrest ?

A. Yes, sir; he was connected with the peace democracy, but I think among the citizens generally he was regarded as a loyal man.

Q. And the only time you have heard his loyalty questioned was by a violent political opponent, was it ?

A. Yes, sir; I think it is not unusual for the democrats to be regarded as disloyal.

By Judge WILSON :

Q. Do you know Mr. Walsh ?

A. Yes, sir.

Q. How long have you known him ?

A. Four or five years; possibly as long as ten years.

Q. What political party does he belong to ?

A. He has been known as a democrat.

Q. Do you know anything of his being a man of a great deal of property ?

A. I know he has the reputation of being a man of some property; I understand he has considerable personal property and some real estate, consisting of horses and wagons, which were used for freighting from one depot to another.

Q. Do you know whether or not he has taken an active part, as a partisan at political meetings?

A. I think he has, sir; he has been a candidate for office; he ran once for sheriff, I think, and once for chief of police.

Q. Up to the time of his arrest, how was he esteemed by his neighbors, and the public, as a loyal man?

A. I know Mr. Walsh mainly as a democrat; I was not as well acquainted with him as I was with Judge Morris; but I have heard no charges against Mr. Walsh at any time, nor have I heard his character called in question; I never knew even that he was a peace democrat.

Q. Do you know, from reputation, whether he took any part in raising regiments for the army?

A. I know he did; it was, I believe, at the beginning of the war.

By ROBERT HERVEY, esq.:

Q. Are you acquainted with Colonel Richard Martin?

A. Yes, sir; and Colonel Martin's family were very intimate with Judge Morris.

Q. Do you know of his having induced young Richard Martin to go into the federal service?

A. I know he tried to persuade him to go, and he went down to Virginia, into the quartermaster's department; he advised him to go into the army as an officer. This was within the last three years.

Cross-examination by the JUDGE ADVOCATE:

Q. Did the republicans and the war democrats mingle freely during the last election?

A. Yes, sir.

Q. From Judge Morris's reputation, was he a man that was expected to support or hinder the measures which the government adopted for its safety and protection during the war?

A. He was regarded as opposed to the administration, and his sympathies were supposed to be with the South. He was a peace democrat, and he was regarded as too honorable a man ever to assist in the rebellion by any overt act; if he desired to do so, he would go south and take his position there.

Q. Did he not, on further occasion, take a position of sympathy with the government?

A. I cannot say that he did.

Q. Was he ever called upon by the friends of the government to assist them?

A. No, sir, I think not.

Q. Was he not then considered to be opposed to all measures the federal government was seeking to adopt?

A. I think he was not an enemy to the government, nor even to the masses of the republican party.

Q. Was he then a friend to the measures of the government?

A. He was an extreme partisan; he opposed the administration, I think, in every way.

Q. Did not that lead him to oppose all the measures of the government?

A. As a partisan, he did.

Q. Did he not join the peace wing of the democratic party, which had nothing in common with the war democrats?

A. Yes, sir.

Q. Was there not an impassable abyss between the war and the peace democrats?

A. I think not, sir; I think the war and peace democrats joined in the election of McClellan. It was so hard to form an opinion of the peace democrats that I cannot answer very definitely.

Q. Was not Judge Morris wise and circumspect enough to deliberate upon the ground he was to take, before he publicly declared himself?

A. He is an impulsive man, a man of intelligence. He is impulsive in design, as well as in act, and I think he is very much to be led by those who surround him.

Q. Is he not a shrewd man?

A. No, sir; he is a man whom shrewd sharpers would prey upon to a considerable extent.

Q. Has he not accumulated considerable property in Chicago?

A. Yes, sir.

Q. What is he at present worth?

A. From \$150,000 to \$200,000.

Q. Do you know how much his property is encumbered?

A. I know it was somewhat encumbered, to the extent of \$12,000. I have understood since then that it was settled. I have understood that the Masonic Temple was encumbered to a large extent, but I do not know that the other property was; I speak only from general reputation.

Q. Do you regard general reputation as a good standard to judge of a man's wealth?

A. I do not, sir.

Q. Did not Judge Morris elucidate his ideas?

A. Yes, very pointedly and forcibly—appropriate to the subject under discussion. He is vehement in his style, but his ideas are indicative of thought. He is somewhat rambling and “bushwhacking” in his style.

Re-examination by ROBERT HERVEY, esq.:

Q. State whether the change in the policy of the administration, since the war commenced, has or has not had the effect of withdrawing from its support many men who were originally in favor of it.

A. It has, to some extent, had that effect.

Q. Many, then, who were in favor of the war for the restoration of the Union, are not in favor of the war for the abolition of slavery?

A. Yes, sir; among the peace democrats.

Re-cross-examination by the JUDGE ADVOCATE:

Q. Are there not persons who, in consequence of that very policy, have been warmer adherents to the administration?

A. Yes, sir.

Q. Have not many taken this position to the policy of the administration as a cloak to conceal real treason and disloyalty?

A. Yes, sir.

By ROBERT HERVEY, esq.:

Q. Do you mean to include Judge Morris in that category?

A. No, sir.

By the JUDGE ADVOCATE:

Q. Have you had any conversation with him during the past year?

A. Yes, sir; his position was clearly this, as I understood it, from him: he regarded the national cause as supreme, within the letter of the Constitution; outside of that he stood up for State sovereignty, and I do not know that he doubted the right of the government to coerce, but that he doubted its policy, and I heard him take the position that the government had the right to coerce a State. I understood that he would be willing to accede to a separation of the States on the ground of policy.

By ROBERT HERVEY, esq.:

Q. Was he not willing to accede to a separation of the States rather than that the whole country should be ruined?



A. Yes, sir; that was his position.

Q. Is it not a matter of opinion whether those who oppose the policy of the present administration, or those who support it, are the best friends to the government and the country?

A. Of course it is, for there are parties that hold both opinions; both sides think they are the best friends to the government; they use those arguments, and I have no doubt many of them honestly think so, though I don't see how they can.

J. W. STICKNEY, a witness for the accused, was then introduced, and being duly sworn by the judge advocate, testified as follows:

By the accused:

Q. State your name, residence, and profession.

A. J. W. Stickney; I am an attorney at law, residing in Chicago.

Q. How long have you resided there?

A. About fifteen years.

Q. Are you acquainted with the accused, Judge Morris?

A. I became acquainted with him immediately on my coming to Chicago.

Q. Is Judge Morris a man of considerable property in Chicago?

A. By reputation, he is; I understand he is the owner of the house in which he lives; and I have heard of his having an interest in the Masonic Temple.

Q. Do you know what is the judge's reputation among his neighbors as to being a man of humane and kind disposition?

A. Yes, sir.

Q. What is it?

A. It is the reputation of an honorable, kind and good citizen; I have understood him to be a man of humane disposition; I have, on occasions, experienced it myself.

Q. Are you familiar with Judge Morris's style of oratory?

A. Somewhat, sir; I have heard him make speeches.

Q. How would you characterize Judge Morris's style of address?

A. As rather rough; some call it extravagant and hifalutin. He uses epithets and slang phrases in his speech, so that by some he is considered rough and somewhat vulgar.

Q. To what political party do you belong?

A. To the Union party; I was once a democrat, then a republican, and now am a Union man.

Q. What was Judge Morris's reputation among his neighbors up to the time of his arrest, as a loyal citizen of the country, without regard to his peculiar views of this administration?

A. I never heard it questioned, except in regard to his political views.

Q. Up to the time of the judge's arrest, have you heard him suspected of being guilty of violation of any of the laws of his country?

A. Politics ran high, and every man was abused for something; but outside of that, I never heard Judge Morris charged with disloyalty.

Cross-examination by the JUDGE ADVOCATE:

Q. Politically, you have heard his character as a loyal citizen discussed, have you?

A. Yes, sir.

Q. Was he placed with the friends of the government or with its enemies?

A. I cannot answer the question that way; he was placed with the peace party.

Q. Was not the peace party placed among the enemies of the government instead of among its friends?

A. Yes, sir; they used language very much like it.

Q. Have you been very intimate with Judge Morris since the war?

A. No, sir; I met him only occasionally.

JOHN B. RICE, a witness for the accused, was then introduced, and being duly sworn by the judge advocate, testified as follows:

By the accused:

Q. State your name, residence, and occupation.

A. John B. Rice; I reside in Chicago, and am a commissioner of deeds and notary public.

Q. How long have you resided in Chicago?

A. Nearly eighteen years.

Q. Are you acquainted with the accused, Judge Morris?

A. I am; I have known him intimately nearly eighteen years.

Q. Do you know whether Judge Morris is a man of property in Chicago?

A. There has been as much said in my hearing by Judge Goodrich, who knows much better than I; but I believe the reputation of Judge Morris was, that he had quite a large property, and that recently it was very much encumbered. I know of his owning the house on Washington street, where he lived, and the Masonic Temple, the State street property, and a large piece on the south branch of the river.

Q. State if you know Judge Morris's general character among his neighbors as a man of kind heart and humane disposition.

A. He always has had the reputation of being a warm-hearted man and liberal-minded; more emotional, perhaps, than intellectual.

Q. Have you had any experience of Judge Morris's peculiar style of oratory?

A. No, sir; I never heard him make a speech in all my life.

Q. Do you know what is his reputation in that regard among his neighbors?

A. He has never been considered an orator; he is what might be called a man, in Illinois, having lived there when law was practiced in a log hut; and there was a roughness and rudeness about it, in which he indulged perhaps more than any other man in Chicago. I believe he was considered an indolent, hasty man. His hasty temper induced him to say things without reflection, and his indolence prevented his considering their tendency.

Q. To what party do you belong?

A. To that party that has resolved that this government shall be maintained in its integrity; to that party that believes that the majority shall always rule and govern.

Q. Do you know the reputation of Judge Morris, up to the time of his arrest, as a loyal citizen of the United States, without regard to his views upon the administration?

A. I cannot answer that. There has not been much report or rumor in Chicago about Judge Morris's political opinions; at least I have not heard it. There has been a feeling, throughout, on my part, perhaps not from positive knowledge, that there has been a sympathy with persons that are all the time complaining against the government, making no particular charge, but something to the effect that they could do better if they had the chance. I did not think there was on his part any determined opposition to the government of a criminal nature, but that feeling has been somewhat disturbed since his arrest. I never could have believed that he could oppose his government in a criminal manner, but my opinion, I confess, has been somewhat disturbed since his arrest.

Q. Up to the time of his arrest, you say that you believed him loyal?

A. Up to that time I did not believe that Judge Morris would lend himself to an open or determined opposition to the government of his country; but I have not known anything of his language or associates during the time of this war.

Q. The fact of the gentleman being placed upon trial on such charges, and

the evidence heard against him, would be apt to disturb your opinion, would it not?

A. Yes, sir.

Q. Has your opinion of the judge altered?

A. My opinion was first disturbed by his arrest; I always presumed the government would do what was right, and the evidence given here has served to make me pause, and ask if it could be possible.

Q. That he would do an act that you previously regarded as impossible?

A. I cannot say that I thought it impossible I did not think anything about it.

The commission then adjourned to meet on Tuesday, March 7, 1865, at 11 o'clock a. m.

COURT-ROOM, CINCINNATI, OHIO,

March 7, 1865—11 o'clock a. m.

The commission met pursuant to adjournment. All the members present; also the judge advocate, the assistant counsel, the accused and their counsel.

The proceedings were read and approved.

W. R. Campbell, a witness for the accused, was recalled, and testified as follows:

By the accused:

Q. Were you at Mr. Walsh's house on the Sunday night of the arrest of the parties?

A. I was.

Q. Who was with you?

A. R. W. Galloway, a citizen of Chicago.

Q. What time in the evening did you call there?

A. About half-past six o'clock.

Q. Who is Mr. Galloway?

A. He is a young man.

Q. To what party does Mr. Galloway belong?

A. He is a very strong republican, and is known to the Walsh family as a very strong republican.

Q. What did you do when you called at the house?

A. We knocked and were admitted at once, and were introduced to a couple of gentlemen, whose names I do not recollect, and we spent from a half to three-quarters of an hour there in ordinary conversation.

Q. How long did you remain?

A. I think about three-quarters of an hour in the parlor.

Q. Who was present?

A. Miss Mary and Miss Maggie Walsh, Mr. Joseph Lehon and Mrs. Walsh, and, I think, Willie Walsh came in the room once, but I do not think he spent much time there.

Q. Did you see Mr. Walsh?

A. I did not.

Q. Did you go to the polls on election day with Mr. Galloway?

A. No, sir; but I saw him on the morning before he went to the polls; I know he did not go to the polls.

Q. Did he take anything that you know of?

A. He showed me a revolver, which he said he was going to take to the polls.

Q. What did you take to the polls with you?

A. I took a pair of revolvers.

Q. State whether or not, from your position as private secretary to J. R. Diller,

you know that it was generally believed and expected there would be a collision at the polls?

A. My position brought me in connection with the leading democrats of Chicago, and the leading impression was that there would be trouble at the polls, and that democrats should be prepared for any emergency that might arise.

By the COURT:

Q. Is Chicago a civilized or uncivilized city?

A. My impression is that Chicago is a civilized city.

FRANCIS ADAMS, a witness for the accused, was then introduced, and being duly sworn by the judge advocate, testified as follows:

By the accused:

Q. State your name, place of residence, and profession.

A. Francis Adams; Chicago; attorney at law. I am attorney for the city of Chicago.

Q. How long have you held that position?

A. Since the spring of 1863.

Q. How long have you resided in Chicago?

A. With the exception of nine months, since the 5th of October, 1855; during that nine months for six months I was in Peoria, Illinois, and for three months I was on a visit to Memphis, Tennessee.

Q. State whether during that residence in Chicago you have known the accused, Judge Morris.

A. Yes, sir; since the summer of 1856.

Q. Have you been on intimate terms with Judge Morris?

A. I cannot say that I have been very intimate with him; I was ordinarily intimate with him, as I am with many members of the profession; as such I knew him well.

Q. Was he on the bench when you went to Chicago?

A. No, sir; he had left the bench.

Q. State, if you know, what is the general reputation of Judge Morris among citizens of Chicago as a man of kind and humane impulses?

A. I think he was uniformly so regarded.

Q. State if you have heard Judge Morris make speeches.

A. I have heard him make a great many speeches, both at the bar and political speeches.

Q. State how you would characterize the judge's mode of address, his style of oratory?

A. He has a rough, blunt, open, hyperbolic, extravagant way of expressing himself on all occasions, and his conversation is pretty well interlarded with expletives and cant phrases.

Q. Do you know of Judge Morris's being a possessor of property in Chicago?

A. I know by reputation that he is the possessor of the house in which he resides; also that he had an interest in the Masonic Temple, and he is also reputed to own largely in real estate in Chicago. The Masonic Temple is a very large building. Although I do not know that he owns it now, I know that he did.

Q. State what kind of a building it is and how situated.

A. It is situated on the east side of Dearborn street, between Randolph and Washington streets; is four or five stories high, white marble front, offices below, a large masonic hall above, and is very valuable property, and a very valuable building.

Q. Were you a member of the organization known as the Sons of Liberty?

A. I cannot state whether I was or not; I belonged to a secret political

association, but the name given to me, and the name by which I knew it, was not the Sons of Liberty.

Q. What was the name?

A. The name of the association was the Illini.

Q. Did you frequently attend meetings of that association?

A. I did not.

Q. How many meetings do you think you attended when you saw Judge Morris present?

A. I think I attended not more than five or six meetings; I saw Judge Morris two or three times.

Q. Did you ever hear Judge Morris address that association?

A. I do not know that I ever heard him make a set speech; I have heard him make remarks once or twice.

Q. About what time did you hear him?

A. I cannot say; I did not take a great interest in the association, and as nothing particular transpired, it is not impressed upon my memory. I think I saw him there in the summer of 1864.

Q. Did you at one time hear Judge Morris, in addressing this association, make any reference to the release of prisoners at Camp Douglas?

A. I never heard anything of that at all until it was spoken of in the papers at Chicago; that was the first I ever heard of it.

Q. Did you ever know, as a member of that organization, or as connected with it, that any such enterprise was ever thought of by that body?

A. I certainly did not; had I, I should immediately have withdrawn from it.

Q. Was there ever, to your knowledge, while you belonged to that association, any such enterprise contemplated?

A. Not to my knowledge.

Q. Do you know a man by the name of Doolittle?

A. I do.

Q. Did you ever see him in that organization?

A. I have.

Q. Have you ever heard him address that organization?

A. I have heard him speak there.

Q. How was Mr. Doolittle regarded by the members of that organization?

A. I cannot answer the question.

(A pamphlet was here shown the witness.)

Q. Is this the ritual of the organization to which you belonged?

A. I believe that it is.

(The pamphlet was then offered in evidence, marked K K, hereto attached and made part of this record.)

Q. It has been stated here by a witness on the part of the government that it was one of the objects of the Sons of Liberty, as he understood it, in Indiana and Kentucky, to aid the southern army in rebellion against the government of the United States; I will ask you if, during your connection with the order in Illinois, you have heard of any such object?

A. Certainly not. It was believed by many democrats, though I never shared in such a belief, that the feeling against the democratic party was such that there might be armed interference with the exercise of the elective franchise at the polls; they thought they needed an association for protection, and the declared object of the order, so far as I understood it, was simply this, that in case of armed interference with the legal exercise of the elective franchise at the polls, they would maintain their rights.

By Judge WILSON:

Q. Do you know Mr. Walsh?

A. Yes, sir; I have known him two or three years.

Q. Do you know what his business has been?

A. By reputation, he was connected with the railroad, teaming between depot and depot.

Q. Do you know how he has been esteemed as a humane and kind man by those who know him?

A. His general reputation has been that of a clever, good-hearted fellow.

Q. Up to the time of his arrest, did you ever hear his loyalty to the Union questioned?

A. I never heard it canvassed.

Q. Do you know of his being engaged in raising regiments for the army?

A. By common reputation he was.

Cross-examination by the JUDGE ADVOCATE:

Q. You have given your understanding of the purposes of this order; have you given all the purposes of this order as you understood them?

A. All that I ever understood.

Q. When did you first join the organization?

A. Late in the summer of 1863, I was approached upon the subject by a gentleman, and asked what I thought upon the subject.

Q. Do you recollect his name?

A. I believe it was Mr. C. Goudy, of Chicago. He spoke to me and asked my opinion in reference to it. I told him I was opposed to secret political associations: First, because they were opposed to the uniform policy and usages of the democratic party; and, second, because I believe them to be inconsistent with the spirit of republican institutions. I subsequently ascertained that I was elected. In the fall of 1863, or winter of 1864, I had been pretty free in the expression of my opinion as to its impolicy, and as I learned there were a great many of my friends there, and that there was a good deal of bad feeling against me in the order, to allay this feeling I entered it.

Q. Then your statement to the court is that you violated your sentiments of what was right in joining an institution that was in violation of republican institutions, against the acknowledged principles of the democratic party; linked yourself to a thing that was a humbug, in order to save some personal feeling against yourself?

A. I regarded it at the time as a matter of indifference whether I belonged to it or remained out of it. I believe these secret organizations to be inconsistent with republican institutions; I must acknowledge that there was some inconsistency in my joining it.

Q. You were a part of that humbug, then?

A. I suppose I was.

Q. When did you join it?

A. In the fall of 1863 or winter of 1864.

Q. By whom were you initiated?

A. I do not know that I can state.

Q. Do you know who were your sponsors?

A. I do not.

Q. Who presided the evening you was initiated?

A. I think Charles Potter did.

Q. Is this the ritual with which you were initiated?

A. I did not see it at the time, but have seen it since; I recognize it as containing the principles that were enunciated then.

Q. How many degrees of the order did you take on your initiation?

A. I was not aware that there was more than one degree. There were ceremonies in the vestibule, and ceremonies in the room in which the members sat; I was not at the time aware that there was more than one degree.

Q. How many meetings did you attend?

A. About five or six. The last meeting I attended was four or five weeks prior to the presidential election.

Q. Have you attended any meetings since then?

A. I have not; I have been solicited to attend them since. I was solicited to attend the Sunday evening meeting by a man named Hull. I was told by Mr. Semmes that there was to be a meeting.

Q. Was it the rule of any organization when they have propounded printed or written principles as the basis of their organization, whether they are to be understood as its principles, or what you gather from the oral statements of its members?

A. I have not belonged to organizations enough to answer that question.

Q. Were these written principles the principles of the order?

A. It is impossible for me to answer the question. According to my understanding, I say yes.

Q. State whether in those principles, as enunciated at the time, there was one word about elections, and preserving them from the interference of the republicans?

A. There was not; the only thing that was read to me was what is found in that book, and there was nothing said about the election and proceeding against possible interference at the polls. The gentleman who first spoke to me about joining I never knew as a member, but in subsequent conversations he said he thought it ought to be dropped.

Q. Did you subscribe the principles of the ritual when you were initiated?

A. I went through the forms.

Q. You then gave your assent, did you not?

A. The ceremony of initiation implied my assent, but I cannot say that I intelligently assented, for when there is a long formula and a long ritual there is not time to examine it all. In running through it rapidly, there is not time for sufficient reflection, so that I cannot say that I intelligently assented; I formally assented, of course.

Q. Did you assent to the ritual at the time?

A. I went through it.

Q. Did you assent or dissent?

A. I assented that far, formally.

Q. As intelligently as a man of your intelligence would understand it, you did understand it and assent to it, did you not?

A. I recognized nothing at the time which I considered wrong at all.

Q. Did you assent or dissent from the following?

(The judge advocate reads the 6th article from the ritual of the O. S. L.:

"The American government, designated the United States of America, has no sovereignty, because that is an attribute belonging to the people in their respective State organizations, and with which they have not endowed that government as their common agent.")

A. I said nothing; I stood there and heard it read when I was initiated. You may infer what you please; if those declarations of principles were read to me, I only gave a formal assent.

Q. Do you assent to them now?

A. I dissent; I do not believe in State sovereignty as there expressed.

Q. Do you believe that the general government can exercise only delegated power?

A. I do.

Q. Do you claim, "In accordance with these principles, the federal government can exercise only delegated power; and hence, if those who shall have been chosen to administer that government shall assume to exercise power not delegated, they should be regarded and dealt with as usurpers?"—Article 7, O. S. L.

A. That would imply armed resistance; I do not believe in that. I think a usurper would be met by armed resistance. I do not know that there is anything incorrect in the principles there enunciated; but I do not imagine that such an emergency has arisen in the United States of America, but I can believe that such an emergency might arise, and that the whole people would rise up against it.

Q. Did you hear any of the members of the Sons of Liberty claim that the members of the government were exercising undelegated power?

A. Yes, sir; I have heard that said both in and out of the order.

Q. Did you believe in those principles?

A. I do not believe in a resort to arms, when it is thought the officials of the government exercise undelegated power.

Q. How can you say that the purpose and object of this organization was in reference to protection at elections?

A. I regarded these declarations and principles as all gas, very much like a political platform.

Q. Then do you admit that you and the members subscribed to an oath by which they did not intend to be guided?

A. There was no oath that I know of.

The judge advocate read from the obligation of the ritual of the O. S. L.:

"I, ———, in the presence of God and these witnesses, declare that I do herein freely renew the vows which I plighted in the V. I do further promise that I will never reveal nor make known anything which my eyes may behold, or any word which my ears may hear, in this T., nor in any other T., nor in any other place where this fellowship may be assembled."

Q. Do you remember this?

A. I do not, sir.

Q. Do you know anything about the Sons of Liberty, or the democratic party, importing men at the election?

A. You are presuming that I belong to the Sons of Liberty. I was told that the association called the Illini was subsequently called the American Knights, but not the Sons of Liberty; I know nothing of their importing men at the election. Prior to the election, I think the night before, I was sitting in Bryan Hall, and Mr. Asay was making a speech. Several democrats came to me and said there were a lot of men on the front of the Sherman House, and their belief was that those men were imported by the republican party. Several gentlemen went around there, and they seemed at a loss to know what those men were in the city for; and there seemed to be a general ignorance, and I had no idea of their importation until afterwards, when it was stated in the papers. Personally I have no knowledge of their going there, and heard no leading democrat state anything about it. The day prior to the meeting I was in a meeting of prominent democrats, and they seemed to be entirely ignorant of these men.

Q. Did not the prominent democrats in Chicago sign a card, saying that they knew nothing about them at the time?

A. Yes, sir; and they believed it too, and had no knowledge to the contrary.

Q. Have you not learned since that it was not so?

A. I do not know anything about it now. I have no authentic information as to how these men came to the city. I do not know anything about it now; I have no opinion as to how those men came to the city. At this meeting there were many prominent men, among them the chairman of the democratic State central committee, and as none of them knew anything about it, the inference was that the men came from the other side. The card was an electioneering document.

(A slip of newspaper was here shown to the witness.)

Q. Is that the address you signed?

A. Yes, sir; I see my name there. I saw it at the Times office, and inquired

who wrote it. I was told the name of the gentleman who wrote it, and I said it was all right. I never saw it till I saw it in the papers.

Q. And you permitted that to be published on the morning of the election; and you state that you had made diligent inquiry, and found that the importation of those men was an opposition or a republican trick?

A. Yes, sir; I knew the man who drew that card up; he is a highly conservative man, and I thought he would not state anything that was not true. This document was intended to counteract the political influence against us, and they did not care a fig for it, any further than that.

Q. Do you know, as a matter of fact, that those men were not brought there by the republican party as a political trick?

A. I do not know it, and I do not know how those men came there. I will state my belief if you like, but I have no knowledge of the fact.

Q. Do you know they were brought there by the democratic party, or some members of it?

A. I do not.

Q. Do you say you do not know that they were not brought there by the Union party?

A. I do not. I think I know how it was.

Q. Do you not know, just as well as you know other facts which you have stated here, that you believed there would be trouble at the polls?

A. I do not, sir; I have heard it frequently stated.

Q. Have you not heard it frequently stated that those men were brought there by democrats?

A. I have read it in the papers, but I do not think I have heard it stated. I may possibly have heard it.

Re-examination.

By ROBERT HERVEY, esq.:

Q. State whether within that order you ever heard it stated that there was any intention to resist the United States authorities by force of arms?

A. No, sir; on the contrary, obedience to the Constitution and laws was constantly inculcated.

Q. Have you not heard obedience to the Constitution and laws inculcated by the accused, Judge Morris, time and again?

A. Always, whenever I heard him speak.

By the COURT:

Q. What is your opinion as to how these men came to Chicago?

A. I believe that some of the authorities—some of the principal men of the republican party in Chicago—knew that they were coming, and that every man might have been arrested. I understood there was a telegraphic despatch received saying that those men were coming; but I do not think it stated what they were coming for, though I believe they were coming to vote for the democratic party.

Q. Did you go to the polls armed on the day of the election?

A. I have never carried anything larger than a penknife for the past ten years.

CHARLES W. PATTEN, a witness for the accused, was then introduced, and being duly sworn by the judge advocate, testified as follows:

Question by the accused:

Q. Did you ever belong to the organization known as the Sons of Liberty?

A. I belonged to the society called the Illini, which I suppose is a branch of the Sons of Liberty.

Q. Were you a member of that organization during the spring, summer and autumn of 1864?

A. I was.

Q. Were you at one time the presiding officer of that organization?

A. I was.

Q. State whether you ever saw the accused, Judge Morris, in that organization?

A. I have.

Q. Have you ever seen there a man by the name of Doolittle?

A. I have.

Q. Have you ever seen a man by the name of Robert Alexander, who professed to be a member of it?

A. I have.

Q. And also a person by the name of I. Winslow Ayer, who professed to be a member of it?

A. Yes, sir.

Q. Also a person by the name of Phelps?

A. Yes, sir.

Q. Were you present at a meeting on the 25th of August, at which Judge Morris is said by Ayer to have made a speech?

A. I cannot state the date exactly, but it was about the 25th of August. I was at a meeting and made some remarks.

Q. Were you there on the occasion when it was said Judge Morris would state the objects of the order, and when the judge made a speech giving some information about the objects of the order?

A. I do not recollect his making a speech or giving in a report; but some one might have been called upon to make a statement of the objects of the order. I remember Judge Morris made some remarks in answer to some inquiry.

Q. State whether on that or on any other occasion you ever heard Judge Morris make any reference to the release of the prisoners at Camp Douglas.

A. I do not remember that I ever did.

Q. If Judge Morris ever made any such remarks in his speech, do you think you would be likely to recollect them?

A. I think I should.

Q. How often did you hear Judge Morris address the Sons of Liberty?

A. Not more than two or three times. I think I recollect his speaking twice—possibly three times. He was not a regular attendant, neither was I.

Q. You say, then, you never heard him make any reference to the release of the prisoners at Camp Douglas?

A. I do not recollect anything of the kind.

Q. Did not Judge Morris, in all his speeches, advise the association to observe the laws and the Constitution?

A. Yes, sir; he said our watchword must be, "Observe the Constitution and stand by the laws of the country!"

Q. As a member of that society did you know of any such proposition as to release the prisoners at Camp Douglas, set them loose, and sack and burn the city of Chicago?

A. Never, to my knowledge, nor of any other person.

Q. State whether in any meeting of the order, or in any of its proceedings, you ever heard it intimated that the order should forcibly resist the authorities of the United States?

A. Never, sir. I have heard such remarks as these: That it was anticipated our rights might be invaded; and if so, we should then resist; but we were never to be the aggressors. I think Mr. Doolittle made such remarks as those.

Q. State if you ever heard anything said on the subject of resisting?

A. Yes, sir; we were always to act on the defensive.

Q. Do you recollect when Dr. Ayer became a member of this order?

A. I do not; I was not there when he was initiated.

Q. Do you recollect anything about a subscription to relieve some needy persons that Mr. Geary spoke about?

A. Only from hearsay. I was told of it the next night.

Q. Do you know whether Dr. Ayer was a member of this order?

A. I think he was.

Q. How long was it after this occurrence that Dr. Ayer became a member?

A. I can only judge from what he states, namely, that he became a member about the first of July.

Q. Have you ever heard Dr. Ayer make speeches in the order?

A. I have heard him make some remarks.

Q. What was the character of those remarks?

A. I thought them rather radical, as much so as those of any member of the order.

Q. Did you ever hear Alexander make any remarks in the order?

A. As far as my recollection goes he was not much of a talker; he was not a speech maker.

Q. What was the character of what he did say?

A. He was generally pretty radical and ultra in his views.

Q. What was the character of the speeches of Doolittle?

A. His speeches were of such a character that very little notice was taken of them. He was considered a bore and a nuisance, and there never was any action taken upon what he said. The order would not and never did indorse the views he put forth.

Q. Were those extreme views which Mr. Doolittle advocated sanctioned by the order?

A. Never, to my knowledge.

Q. How long were you presiding officer?

A. For a year; but about half the time I was out of the city.

Q. During what time were you in the habit of attending the meetings?

A. During the summer of 1863. I attended the meetings pretty regularly for two or three months during the summer, till the first of September; then I went away and was gone until November or December. I was then at home for two or three months, during which time I attended most of the meetings. In February or March I went away again, and was gone from two to three months. I was at home again, possibly, for three months; then my term of office expired, and I attended only three or four times.

Q. Did you ever hear it stated in the order, during your connection with it, that one of the objects of the order was to assist the southern rebels in arms against the Union?

A. No, sir, I never did, or I should not have staid there.

Q. Did you ever hear it stated as one of the objects of the order to forcibly resist the United States authorities?

A. I never did but once. On one occasion a man introduced a resolution to resist the draft. That was under the second call for 1863. The resolution was supported by three or four, but was denounced by the balance; and resolutions were passed to stand by the Constitution and the laws.

Q. Was not that in the Grand Council of the State?

A. Yes, sir.

Q. Did not Judge Morris make a vehement speech against that resolution?

A. Yes, sir; and it was almost unanimously voted down.

Q. And was not that the only time you ever heard any proposition to resist by force, the authorities of the United States?

A. It was; that is, any proposition that was acted upon.

Q. Do you know a man by the name of Wilkinson?

A. Yes, sir.

Q. Was he ever a member of the Grand Council?

A. I do not know, but I think he was not.

Q. Were you a member of the Grand Council ?

A. Yes, sir; but I never met Mr. Wilkinson.

Q. Do you know a man by the name of Morison ?

A. I do.

Q. Did you ever meet him in the Grand Council ?

A. I never did; I had never been to a council meeting till a year ago last fall.

Q. By what authority were the members of the Grand Council elected ?

A. The first council was appointed, but afterwards the members were elected yearly by the subordinate organizations.

Q. Have you any knowledge that Morison or Wilkinson was ever elected a member of the Grand Council ?

A. I have not.

Q. If they had been elected by the Temple of Chicago would you, in all probability, have known of it ?

A. I think I should; though it is possible they might have been elected and I not know of it.

Q. Was there any apprehension in the minds of democrats in Chicago, previous to the Presidential election last fall, that an effort might be made to carry the election by force on the part of the republicans ?

A. There was such an apprehension.

Q. Had you heard or did you know of republican organizations being armed ?

A. I had.

Q. What were the organizations ?

A. There was said to be an organization called the Union League, and another called the Strong Band, both of which were said to be military organizations and armed.

Q. Who is or was the commander-in-chief of that Strong Band—the generalissimo of that order ?

A. I understood that John Wilson was.

Q. Did he live in Chicago at that time ?

A. I think he did.

Q. In any talk about the distribution of arms did you not, on one occasion, offer to supply arms to democrats ? And state for what purpose those arms were to be supplied and what end they were to answer.

A. They were to be used to defend ourselves in case of an attack by any one at the polls, or at any political gathering.

Q. Was it your intention, or that of any member of the democratic party, that they should be used for offensive purposes ?

A. Never, sir, except on the defensive; so that if there was no interference the arms in the possession of democrats would not be used.

Q. State what you said in respect to arms, and what arms you offered to supply.

A. At one of the meetings some remarks were made with respect to protecting ourselves at the polls, and some one spoke of the necessity of our being armed. It was stated that there were some arms in the city for the purpose of defending ourselves at the election; and the person who stated this said that he did not know who had them. Some one suggested that perhaps I could inform them. I said I understood that there were arms in the city, though I did not know who had them; but I understood they were in the hands of a proper person, who would distribute them judiciously to men who would use them with caution; and I said I thought it was the duty of every democrat to have arms. At that time an order had been issued by the United States provost marshal prohibiting the sale of arms; and some one made the remark that they could not be had. A few days before that I was in a gun and pistol store, and a

man came in and bought two or three pistols—a rough kind of a pistol that carried one charge, and the price was \$5; and I said that such an arm as that was within the reach of almost every one. I told them I thought I could get those small pistols for them if they wanted them. I also said that I had two revolvers, and they could have them for what they cost me; but nothing was said about my distributing arms, for I never knew where the arms were nor anything about them.

Q. For what purpose was it intended those arms should be used by the persons in whose hands they should be placed?

A. At the polls, in case we were not allowed the privilege of voting; for no other purpose whatever.

Q. Were you ever appointed on a committee for the purpose of distributing arms?

A. No, sir; I never acted on such committee, and never had notice of my appointment on such committee.

(Examined on behalf of Charles Walsh.)

Q. Do you know the accused Charles Walsh?

A. Yes, sir.

Q. How often did you see him at these meetings?

A. I only recollect seeing him twice.

Q. What part did he take?

A. I never knew of his taking any part.

Q. Did you ever know of his being elected brigadier general in the order?

A. No, sir.

Q. Do you know what position he held at the time of the convention?

A. He was one of the chief marshals.

Q. Do you know whether trouble, such as breaking up the convention, was anticipated?

A. Yes, sir; I saw a letter warning us that there would be such interference.

Q. Did you ever see Grenfel at these meetings?

A. Never, sir, at any of them.

Q. Were there many troops in the city at the time of the election?

A. Yes, sir, quite a number came there just before the election.

Cross-examination by the JUDGE ADVOCATE:

Q. You were arrested with the rest of the parties at the time of the election. were you not?

A. Yes, sir; I was arrested in my house.

Q. When were you released?

A. A fortnight ago last Friday. I was paroled to a certain extent; paroled not to say anything in regard to this case.

Q. Have you kept that parole?

A. I have, sir.

Q. Have you spoken to any one in regard to this case?

A. No, sir; not to my knowledge.

Q. When did you first join this order?

A. In the fore part of the summer of 1863.

Q. What do you understand to be the object of the order?

A. Self-protection in case of an attack.

Q. What attack was anticipated then?

A. It was understood to be an order to organize the conservative forces to secure the presidential election. That was one of the objects; and the other object was self-protection. At that time people were being arrested by the government, and the object as put forth was, that if any members of the order were arrested the others should use all their efforts to have them tried by the laws of the country.

Q. Could they not secure that without joining a secret organization ?

A. They thought that was the only mode.

Q. For what purpose were they armed ?

A. For self-protection.

Q. Was it to resist any force ?

A. No, sir.

Q. What were you to do in case of an arrest ?

A. We were not to resist the laws.

Q. Was it necessary to organize thirty or forty thousand men in order to secure a fair trial ?

A. The government was arresting people from different parts of the country, without any charges, and without any trial.

Q. Were they illegally arrested ?

A. We did not know, and that is what we were trying to find out.

Q. Did you ever employ any lawyers to attain this end ?

A. No, sir.

Q. Did you ever consult with any man that was arrested, or send any one to see him ?

A. Not that I know. I never took any such steps, and never knew any member of the order that did.

Q. What was the penalty for revealing the secrets of the order ?

A. I never knew of any definite penalty.

Q. Did you never hear of their being cut to pieces if they revealed its secrets ?

A. No, sir.

Q. Did you know of any military part of the order ?

A. There was nothing military about it, that I knew of. I understood that Mr. Walsh held some military position.

Q. Did you not say that you never heard that Mr. Walsh was appointed a brigadier general ?

A. I understood that he was appointed to some military position in the order.

Q. Were not the military part of the order *ex officio* members of the Grand Council ?

A. That I do not know.

Q. Do you say you never heard any opposition to the laws or Constitution advocated in the order ?

A. Yes, sir.

Q. Have you ever heard any question discussed in the order as to the Coles county rioters who were arrested ?

A. No, sir ; I did not.

Q. Supposing the officers of the government assumed powers not delegated, what was to be done with them ?

A. I have heard speeches made, that if such a case did occur, they were to stand by the laws and the Constitution.

Q. In what way ?

A. We were to be governed by circumstances.

Q. Were you to resist by force ?

A. That would be the inference, if an officer exercised undelegated powers, if the laws and Constitution were violated ; but there was no general plan that I ever heard of.

Q. Who were the persons that were to judge in reference to infringements that might be made ?

A. They were always ready and willing to yield to the laws and the Constitution and abide by the decision of the United States.

Q. Was there anything said in reference to any court, when they spoke of resisting the government, when it should exercise undelegated powers ?

A. All remarks that I have heard made in connection with them were, that if we could get a hearing before the United States Supreme Court, they were to yield to its decision.

Q. In case you could not?

A. Then we were to be governed by circumstances.

Q. Do you not know that there never was a meeting in Chicago in which resistance to the government was not spoken of?

A. Yes, sir; they were to abide by the decision of the United States.

Q. Do you call that resistance when they appealed to the Supreme Court?

A. If they could not get a decision, then they were to resist by force of arms; but there never was any plan of that kind put forth, though that was the understanding.

Q. Was Doolittle ever expelled from the order?

A. No, sir; nor do I know of any action being taken with reference to his remarks; his remarks were generally denunciations of the government, and the course of the administration as usurping the rights of the people, and counselled resistance to the draft; and I once heard him make a speech in which he spoke about the prisoners at Camp Douglas, under certain contingencies; that was before the election. He was speaking about the opposition that was anticipated at the election, and he said we ought to defend our rights and vote at all hazards, and in case we should be overpowered, his plan would be to go to Camp Douglas and release the prisoners; he said he thought it could be done.

Q. Did he explain how the guns were situated at Camp Douglas?

A. No, sir.

Q. Did you go and report Mr. Doolittle to the authorities for uttering this treasonable speech?

A. No, sir.

Q. Was Judge Morris there?

A. I could not say.

Q. Was Mr. Walsh there?

A. I could not say.

Re-examination by ROBERT HERVEY, esq. :

Q. Did you ever know of the military organization of a single company in this order?

A. I never did; there certainly was none in Chicago.

Q. How were Doolittle's speeches with respect to the releasing of the prisoners at Camp Douglas regarded by the order?

A. I remember some two or three made remarks after he sat down, and said it was folly to attempt anything of that kind.

Q. Was there ever any assent to the more outrageous plans by the order?

A. Never, sir.

By the COURT :

Q. Were you in attendance on the meetings of the Illini in September, October and November of 1864?

A. I think I attended two meetings in September and one in October, but not more. I think I attended but one meeting for six weeks prior to the election.

By the JUDGE ADVOCATE :

Q. Was not Strawn arrested at the same time that you were?

A. Yes, sir; and was subsequently paroled.

By the COURT :

Q. Did you go to the polls armed?

A. Yes, sir.

Q. Did you know anything about arms being in the city?

A. No, sir; except what I have heard.

By ROBERT HERVEY, esq.:

Q. State if Ayer and Alexander were not the people that talked about arms being in the city.

A. On the night I speak of, I think it was Alexander who wanted to know where those arms were, and who had them, and that is the time when they said that I could give the explanation. Dr. Ayer talked about arms, and the importance and the necessity of being armed.

LOUIS BINZ, a witness for the accused, was then introduced, and being duly sworn by the judge advocate, testified as follows:

By the accused:

Q. State your name and residence.

A. Louis Binz; I have resided in Chicago since 1848.

Q. What is your business?

A. I was in the liquor business till the beginning of this year.

Q. Were you present at the Sunday-night meeting before the election?

A. Yes, sir.

Q. Were you a member of any secret organization?

A. I was a member of the Illini Society.

Q. What meeting was that on Sunday night?

A. It was to make arrangements to take care of the polls, and see that there were men around to distribute tickets at the election.

Q. Did you see a Dr. Ayer there?

A. Yes, sir.

Q. What part did he take?

A. He talked pretty loud at one time about the republicans coming to the polls armed, and said that if they made any disturbance there we should resist them.

Q. What was said about arms?

A. He said he had only one pistol, and he thought it was not big enough; that if he could get a bigger one he would like to have it.

Q. Was anything said about votes coming from abroad?

A. Nothing was said to me, but some one said that men were coming to vote; but I do not know who they were to vote for.

Q. Was anything said about arms?

A. Mr. Walsh said we could have arms, but they were to be returned immediately after the election, and they were not to be used for any other purpose than protection at the polls.

Q. How often did you attend the meetings of the society?

A. I attended very seldom.

Q. Do you know anything about Mr. Walsh being a brigadier general?

A. No, sir.

Q. Did you ever meet Dr. Ayer there?

A. Yes, sir; several times. He made very violent speeches against the government, and about arming ourselves.

Q. What did he say about the administration?

A. He thought it was half humbug, the way they were using democrats and imprisoning them; and he alluded to the suppression of the Chicago Times by General Burnside.

Q. Did he say anything about being driven from Kentucky?

A. He said he would like everybody to try and take revenge on the parties that drove him from Kentucky.

Q. Did he say who drove him out?

A. All remarks that I have heard made in connection with the if we could get a hearing before the United States Supreme Court to yield to its decision.

Q. In case you could not?

A. Then we were to be governed by circumstances.

Q. Do you not know that there never was a meeting resistance to the government was not spoken of?

A. Yes, sir; they were to abide by the decision of

Q. Do you call that resistance when they appear?

A. If they could not get a decision, then they arms; but there never was any plan of that kind the understanding.

Q. Was Doolittle ever expelled from the order?

A. No, sir; nor do I know of any action remarks; his remarks were generally denunciations of the administration as usurping the resistance to the draft; and I once heard about the prisoners at Camp Douglas, before the election. He was speaking at the election, and he said we ought to and in case we should be overpowered at Las and release the prisoners; he said

Q. Did he explain how the gun?

A. No, sir.

Q. Did you go and report Mr. reasonable speech?

A. No, sir.

Q. Was Judge Morris the

A. I could not say.

Q. Was Mr. Walsh the

A. I could not say.

Re-examination

Q. Did you ever hear him speak of American soldiers, and call them "hirelings"?

A. I never did; but I heard him speak of them but in a respectful way.

Q. How were they to him speak of laws not being executed?

A. I remember he respects.

Q. Did you ever hear him prescribe any remedy?

A. I remember he said it was folly to not hear him say that if the laws were not executed they would make in hand and execute them?

By the way, his speeches were mild?

Q. Were they, sir; both as to words and manner; he never became excited, and violent; never used expletives nor oaths, and said nothing except

A. I remember he was strictly proper and mild.

Q. Did you ever hear him make a speech in which he spoke of a man named being abducted?

A. Never, sir.

Q. Did you ever hear opposition to the government spoken of?

A. No, sir.

Q. Did you ever hear anything about the Coles county rioters?

A. No, sir; not in the meetings of the order.

Q. Did you ever hear anything about assistance from the prisoners at Camp Douglas?

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He said nothing but what was strictly mild and

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had a pistol from my brother, who is a first lieutenant.
any badge ?

Mr.

and you know that there were parties at the polls, acting as a vigilance
mittee, who were armed ?

A. No, sir ; I only knew three men at the polls, and they did not belong to
the vigilance committee, nor did they belong to the Sons of Liberty.

Q. Did you ever hear anything said by Judge Morris about resisting the
government, and removing the seat of government from Washington to Chicago
in case the laws were not observed ?

A. No, sir.

The commission then adjourned to meet on Wednesday, March 8, 1865, at
11 o'clock a. m.

COURT-ROOM, CINCINNATI, OHIO,

March 8, 1865—11 o'clock, a. m.

The commission met pursuant to adjournment. All the members present ; also
the judge advocate, the assistant counsel, the accused and their counsel.

The proceedings were read and approved.

ROBERT FORSYTHE, a witness for the accused, was then introduced, and
being duly sworn by the judge advocate, testified as follows :

By the accused :

Q. State your name, residence, and occupation.

A. Robert Forsythe, Chicago, Illinois ; I am freight agent of the Illinois Cen
tral railroad.

A. The Union party in Kentucky.

Q. Did you ever hear anything in that order about releasing the prisoners at Camp Douglas?

A. Never.

Cross-examination by the JUDGE ADVOCATE:

Q. How many meetings did you attend during the months of August, September, and October?

A. Not more than three or four.

Q. Did you ever make a speech?

A. Never in my life.

Q. Do you remember those occasions when Dr. Ayer spoke?

A. I have heard him speak two or three times; the last was at the Sunday night meeting.

Q. When had you attended before?

A. Two or three months before.

Q. What induced you to go in then?

A. I happened to be passing, and seeing a light there—being a member of the Invincible Club—I went up.

Q. When did you hear Judge Morris speak?

A. Before the sitting of the convention.

Q. What was the character of Judge Morris's speeches?

A. They were rather mild.

Q. Did you ever hear him make a speech in which he inveighed against the government?

A. Never. At one time he said they were disobeying the laws and the Constitution.

Q. Did he prescribe any remedy?

A. It might have been, more for the amusement of the party than anything else.

Q. Did you ever hear him, when speaking of the government and its officials, call them usurpers?

A. I never did.

Q. Did you ever hear him speak of American soldiers, and call them "hirelings?"

A. No, sir; I never heard him speak of them but in a respectful way.

Q. Did you ever hear him speak of laws not being executed?

A. Yes, sir; in some respects.

Q. Did you hear him prescribe any remedy?

A. No, sir.

Q. Did you not hear him say that if the laws were not executed they would themselves take in hand and execute them?

A. No, sir.

Q. You say his speeches were mild?

A. Yes, sir; both as to words and manner; he never became excited, and was not violent; never used expletives nor oaths, and said nothing except what was strictly proper and mild.

Q. Did you ever hear him make a speech in which he spoke of a man named Grey being abducted?

A. Never, sir.

Q. Did you ever hear opposition to the government spoken of?

A. No, sir.

Q. Did you ever hear anything about the Coles county rioters?

A. No, sir; not in the meetings of the order.

Q. Did you ever hear anything about assistance from the prisoners at Camp Douglas?

A. No, sir.

Q. Nor about assisting the southern armies?

A. No, sir.

Q. Did you ever hear Doolittle speak?

A. Yes, sir.

Q. Did you ever hear him say anything about the prisoners at Camp Douglas?

A. No, sir.

Q. How many times have you heard him speak?

A. Two or three times.

Q. Did you ever hear him speak about the camp?

A. No, sir; he spoke concerning the election. It was two months before the election; he said he had heard, through Dr. Ayer and others, that the Union Leagues were armed and disciplined; and he said we were to be armed, in case they should interfere with us at the polls, that we might resist. The only meeting I attended after that was the Sunday night meeting.

Q. When did you hear Doolittle make any other speech?

A. It may have been eight weeks before that—perhaps four months before the election.

Q. What did he talk about?

A. Something about the election.

Q. Did he say anything about arms?

A. Some one began it, and some one else took up the subject; my memory is short upon these subjects. I do not remember his saying anything about the prisoners at Camp Douglas, nor resisting the laws by force of arms.

Q. Was his speech mild?

A. Yes, sir; quite mild. He said nothing but what was strictly mild and pacific.

Q. Were you armed on election day?

A. Yes, sir; I had a pistol from my brother, who is a first lieutenant.

Q. Had you any badge?

A. No, sir.

Q. Did you know that there were parties at the polls, acting as a vigilance committee, who were armed?

A. No, sir; I only knew three men at the polls, and they did not belong to the vigilance committee, nor did they belong to the Sons of Liberty.

Q. Did you ever hear anything said by Judge Morris about resisting the government, and removing the seat of government from Washington to Chicago in case the laws were not observed?

A. No, sir.

The commission then adjourned to meet on Wednesday, March 8, 1865, at 11 o'clock a. m.

COURT-ROOM, CINCINNATI, OHIO,

March 8, 1865—11 o'clock, a. m.

The commission met pursuant to adjournment. All the members present; also the judge advocate, the assistant counsel, the accused and their counsel.

The proceedings were read and approved.

ROBERT FORSYTHE, a witness for the accused, was then introduced, and being duly sworn by the judge advocate, testified as follows:

By the accused:

Q. State your name, residence, and occupation.

A. Robert Forsythe, Chicago, Illinois; I am freight agent of the Illinois Central railroad.

Q. How long have you lived in Chicago?

A. Since 1856.

Q. Do you know Charles Walsh?

A. I do; I have known him, intimately, between eight and nine years; he was teamster for the depot, and I met him almost every day of my life.

Q. Do you belong to any secret society?

A. Not to any political organization.

Q. What do you know of Mr. Walsh's efforts in raising regiments?

A. He was very active in raising the Irish brigade—I think succeeded in raising it; I was, at the same time, raising a regiment myself; it was called the 89th Illinois—the railroad regiment—of which I raised three companies. I know Charles Walsh was very active, and exerted himself very much in raising the regiments of the Irish brigade.

Q. What do you know of Charles Walsh's character?

A. I know him to be a humane, kind-hearted man; he is like almost all Irishmen, impulsive.

Q. Was the subject of the troubles of our country frequently discussed between you?

A. Yes, sir; they were.

Q. What was his character up to the time of his arrest?

A. I considered him a loyal man; I do not think any man would attempt to raise a regiment unless he was loyal; I frequently talked with him, up to the time of his arrest.

Q. Were you in Chicago on the day of the election?

A. I was.

Q. Are you in the habit of carrying arms with you?

A. I am not.

Q. Did you on that day carry arms to the election?

A. I did.

Q. Do you know if Walsh was active in raising the ninth regiment—Father Dunn's regiment?

A. He was.

By ROBERT HERVEY, esq.:

Q. Are you acquainted with Judge Morris?

A. I am; I have known him five or six years.

Q. What is his general reputation as a humane, kind-hearted, and impulsive man?

A. He is generally considered a kind-hearted, impulsive man, and a man of liberality; he is also a humane man.

Q. Have you ever heard Judge Morris speak in public?

A. I have, as well as in private conversation.

Q. What is the peculiar characteristic with Judge Morris?

A. He is a strong partisan, and uses strong expressions; his style is somewhat exaggerated, and he uses epithets and cant phrases not unfrequently.

Q. Have you been pretty intimate with Judge Morris?

A. Yes, sir.

Q. Is he reputed to be the owner of the house in which he lives?

A. He is so reputed, and is considered a man of wealth.

Q. Where is his property principally situated?

A. In the city of Chicago.

Q. Do you know if he had an interest in the Masonic Temple?

A. I believe he had; it is a very valuable building and property; it is a stone front, four stories high, I believe, and would be worth forty-five or fifty thousand dollars.

By Judge WILSON:

Q. Do you know if Charles Walsh has considerable personal property?

A. I know he has a considerable number of horses and wagons, which are kept in the city.

Cross-examination by the JUDGE ADVOCATE:

Q. You say Mr. Walsh is a pretty impulsive man?

A. Yes, sir.

Q. Did you ever hear him have any conversation with railroad employes?

A. No, sir; it was between him and other parties up town; he is very impulsive and would get very much excited in talking about political affairs.

Q. Which side did he take?

A. The democratic.

Q. Did he find fault with the government in its measures?

A. I have heard him find fault with the administration; he called it an abolition administration.

Q. Did he say it usurped powers which did not belong to it?

A. Never to my knowledge, sir.

Q. Have you ever heard him state that they performed unconstitutional acts?

A. Yes, sir, I have.

Q. Did he say they were performing acts which they had no right to?

A. I cannot say; but I have heard him say they were performing acts that were unconstitutional; he has said they were not carrying out the Constitution, but were infringing upon it.

Q. Did he speak also of the acts of the administration being arbitrary?

A. I cannot say that he did.

Q. Did you ever hear him speak of the soldiers of the United States other than as American soldiers?

A. I have heard him say that, after they got through with the South, they would turn in and whip the damned English. I never heard him speak of them as Lincoln hirelings.

Q. Did he use strong language in these conversations?

A. Yes, sir; they would occasionally call each other liars.

Q. Was he talking with republicans or democrats?

A. There would be some of each, but he generally agreed with democrats as a rule, and it was generally the republicans he called liars; I thought his earnestness was the effect of liquor.

Q. Was he attending to his business at the time, or in the streets, drunk, and talking with his friends?

A. I cannot speak with any certainty about that.

Q. Do you know of his speaking of the administration of the government as a usurpation?

A. I think I never heard him speak any stronger language than calling them unconstitutional.

Q. Was Mr. Walsh considered a leader in the democratic party?

A. Yes, sir; among the Irish portion of them.

Q. Have you ever been at his house?

A. I never have.

H. E. SARGEANT, a witness for the accused, was then introduced, and being duly sworn by the judge advocate, testified as follows:

By the accused:

Q. State your name, occupation, and residence.

A. H. E. Sargeant; I am general freight agent of the Michigan Central railroad; I have the entire charge of the business of that end of the road; I reside in Chicago, and have resided there since October, 1858.

Q. Do you belong to the Sons of Liberty, or any secret organization?

A. No, sir; none whatever.

Q. What are your politics?

A. I am a republican.

Q. Do you know Walsh?

A. I do; I have known him ever since I went to Chicago; I have known him intimately; he did the teaming at our depot.

Q. How should you esteem Walsh—a humane, kind-hearted man?

A. I always considered him a generous, kind-hearted, and humane man.

Q. State whether or not there were a great many employed on the road at Chicago holding different political opinions?

A. Yes, sir; our employés are divided in their political opinions.

Q. State whether or not, up to the time of his arrest, you ever heard his loyalty to the government and the Union questioned?

A. I never did.

Q. State whether or not you know that, about the time of raising the last regiment, he was so much occupied with it that you had to call his attention to his business?

A. I recollect that at the time he was assisting to raise the Irish brigade he was absent from his work a great deal, and I had occasion to call his attention to his neglect of the draymen carrying on his work, and I did it two or three times afterwards, when he became candidate for the office of sergeant-at-arms; he was pretty busy in politics, and was away from his duties considerably.

Cross-examination by the JUDGE ADVOCATE :

Q. Did Walsh continue in your employ up to the time of his arrest?

A. He did.

Q. Was he ever dismissed from your employ?

A. He was not under our pay; when I first went to Chicago he carried the mail, for which he was paid a certain amount; afterwards the mail was carried by another party, on account of its being done cheaper; it was on account of no fault found with Walsh. He afterwards did the transportation between the depots, and did not receive compensation from the roads.

HENRY W. BLODGETT, a witness for the accused, was then introduced, and being duly sworn by the judge advocate, testified as follows :

By the accused :

Q. State your name, residence, and profession.

A. Henry W. Blodgett; I reside in Waukegan, Illinois; am a lawyer, and have my office in Chicago.

Q. Do you know Judge Morris?

A. I do; I have known him about twenty-five years, intimately for twenty years; I have practiced at the bar with him; he has been on the bench in Cook county.

Q. Have you heard him speak?

A. Yes, sir.

Q. What is the characteristic of his mode of address?

A. He uses the English language with a great deal of freedom, and, I may say, with a great deal of awkwardness; he is extravagant in the use of epithets and strong expressions, especially where his feelings are concerned, and talks with vehemence.

Q. Have you heard him address a jury?

A. Yes, sir; I have heard him at the bar, and I have heard his political addresses. If I were to characterize his style of speaking I should say he was not guarded in the use of language, and hardly ever seems to weigh his words with care.

Q. Do you know Judge Morris's reputation among his neighbors as a man of humane, kind disposition ?

A. I think I can say that he had the reputation, during all the time I have known him, of being a very humane, kind-hearted man.

By ROBERT HERVEY, esq.:

Q. To what political party do you belong ?

A. To the republican.

Q. Do you belong to Judge Morris's party ?

A. We never acted together politically.

Q. Is Judge Goodrich of the same faith as you ?

A. Yes, sir.

Cross-examination by the JUDGE ADVOCATE :

Q. Do you not know it as a fact that, in the beginning of the war, the republican party was merged into the Union party, and that that organization was composed of whigs and democrats, and all that were unconditionally pledged to the war for the suppression of the rebellion ?

A. As a national organization that may have been the case. In Chicago, I think I may say that the republican party was measurably sunk in the Union organization. Many men who were leading democrats before the war, having acted with the Union party, still insist that they are democrats.

Re-examination by ROBERT HERVEY, esq. :

Q. Did not the republican party at the beginning of the war assume the name of the Union party ?

A. I do not think I could testify in regard to that, because I do not profess to be a politician. Mr. Douglas made a speech, in which he said there were only two parties admitted, patriots and traitors, and an effort has been made to keep up that distinction.

JOHN KENDALL, a witness for the accused, was introduced, and being duly sworn by the judge advocate, testified as follows :

By the accused :

Q. State your name and where you reside.

A. John Kendall ; I reside in Carlisle, Clinton county, Illinois.

Q. How long have you lived there ?

A. Fourteen years.

Q. Did you ever see Grenfel, the accused, before ?

A. Yes, sir.

Q. When did you first see him ?

A. I think it was some time from the 5th to the 10th of September, 1864, in Carlisle, Illinois. I saw him get off the train at the depot.

Q. What baggage did he have ?

A. A dog, a trunk, and a gun.

Q. How long did he remain there ?

A. I think he was there some eight or nine weeks.

Q. How frequently did you see him while he was there ?

A. I saw him every day, except two.

Q. Where did he stop when he was there ?

A. With Mr. Baxter, whose house is known as the Hunter's Home.

Q. What did he do when there ?

A. He hunted with him nearly every day he was there.

Q. How many nights was he away from there ?

A. I only know of two nights. He went up to Keysport with Fraser to try to kill some deer, and the other night he staid at Greenville, Illinois, which is twenty miles from Carlisle.

Q. Do you know whether or not, during this time that he was there, any strangers came there to visit him?

A. I do not.

Q. Were you so situated that you would be likely to know it if there had been?

A. Yes, sir; I was living next door to him, and I should have been likely to have known it if there had been.

Q. Were there persons of both political parties at Carlisle?

A. Yes, sir.

Q. Was there much political excitement about that time?

A. No, sir; I think not.

Q. Did you ever see or hear Grenfel talk upon political subjects?

A. I never heard him mention them.

Q. Did you ever hear or know when he was there of his drilling any men?

A. I never heard of anything of the kind.

Q. Could he have done any such thing without your knowing it?

A. I think not.

Q. What are you in politics?

A. I have not got any; I have nothing to do with politics; I never vote except for county officers. I think I only voted for one President, and that was Mr. Buchanan. My business does not run that way.

Q. During the time that Grenfel was there, what was the general topic of his conversation?

A. I never heard him say much except about hunting, and all the time he was there he acted very much like a gentleman, and mixed in the highest society.

J. P. KNAPP, a witness for the accused, was then introduced, and having made affirmation in the presence of the accused, testified as follows:

By the accused:

Q. State your name, residence, and occupation.

A. I reside in Carlisle, Illinois; I practice medicine.

Q. How long have you lived there?

A. I went there in the summer of 1849, and have lived there ever since.

Q. What is your political standing?

A. I have always been a democrat.

Q. Have you ever seen Colonel Grenfel before?

A. Yes, sir.

Q. Where did you see him?

A. I saw him at Mr. Baxter's, in Carlisle.

Q. When was this?

A. It was about the last week in August, up to the last of October, 1864.

Q. About what time did he leave there?

A. I think the Saturday morning before the election, but I am not confident, as I kept no record.

Q. What name did he go by there?

A. Grenfel. They called him colonel.

Q. Did you hear any other name?

A. No, sir; I did not.

Q. How often did you see him while he was there?

A. With few exceptions, nearly every day. I lived just across the street. He was generally hunting with Mr. Baxter and Mr. Kendall. Was generally out sporting, and they usually returned home at night.

Q. Do you know of his taking any part in political questions?

A. No, sir.

Q. Do you know of his drilling any men in that part of the country?

A. I think he did not. I never heard of such a thing until after I saw he was accused of it in the proceedings of this trial.

Q. Are there people of both parties there ?

A. Yes, sir.

Q. Could he have been engaged in any such thing without your knowing or hearing of it ?

A. It would have been impossible, because our community is not a large one; any such transaction as that would have fired them up in a few hours.

Q. Have you ever been connected with any secret society ?

A. I never have.

Q. What do you know about secret political societies ?

A. I refused to join any secret political organization. I went in one night where there was one, and they wanted me to join; but I said I disapproved of secret political organizations, and left it. That was in 1863. I think I have never been in one since. I joined one they called the Golden Circle, in 1861, because they threatened to mob me.

Q. How often did you attend that ?

A. They had no regular meetings. I never attended more than one or two in any place.

Q. Do you know if Grenfel was sick when he lived in Carlisle ?

A. I so understood. Judging by his appearance, I thought he was sick, and I think he told me so himself. I think it was the diarrhoea.

Cross-examination by the JUDGE ADVOCATE :

Q. Were you not a member of the Illinois legislature ?

A. Yes, sir ; I was a member during the winter of 1860-'61. I served during two terms.

Q. What had the Knights of the Golden Circle to do with the mobbing you speak of ?

A. I was threatened with being mobbed, and many persons came to me and told me to go into this organization, one pledge of which was to have nothing to do with political associations, and to enforce obedience to the civil authorities. That was the reason I joined it.

Q. Who told you that you were to be mobbed ?

A. Some of the ladies told my wife ; but I heard it from several sources. Mr. Daniel Cowden, a strong republican, also told me.

Q. How many were there in that organization ?

A. I do not know.

Q. Were you initiated ?

A. Yes, sir. I was initiated in the afternoon, at Mr. Hammond's, by two members. I think David Clance initiated me.

Q. Do you remember the oath of the order ?

A. I do not remember it, except that we were to protect and defend each other from any violent mob, and that we should come when called upon.

Q. Did your oath say anything about violence of mobs ?

A. I think it did.

Q. Was there not something about their being protected from arbitrary and illegal arrests ?

A. No, sir ; I am sure there was nothing of that kind.

Q. Was there anything about being cut into pieces for revealing the secrets of the order ?

A. No, sir ; not that I know of.

Q. If there was such an oath, did you take it ?

A. I do not know that I did ; the obligation put upon me I thought was perfectly right, and therefore I took it.

Q. Was it the Knights of the Golden Circle that you joined ?

A. Yes, sir.

Q. Why were you opposed to secret organizations ?

A. I thought they were deleterious in a republican government, and that their tendency was to permit designing men to impose upon the ignorant, and bring about trouble which would not otherwise happen.

Q. You joined a secret organization, however, to protect yourself, did you not ?

A. Yes, sir ; but I did not consider that organization had anything of a political nature ; I thought it was only an association of persons for mutual defence against mobs that might make trouble.

Q. How long did you continue with it ?

A. I do not know, for I never attended regularly.

Q. Had they not stated meetings ?

A. None that I ever attended.

Q. Did you ever join the order of American Knights ?

A. No, sir. I went to one of their meetings, but I did not take the obligation, for I understood it was a political organization, and therefore refused. The other I did not regard as a political organization.

Q. Suppose it turns out, as a matter of fact, that the organization was directly the reverse, and that its object was to resist arbitrary arrests and the draft, and to assist the southern rebellion ?

A. Then I was not a member of it.

Q. But you were initiated into the Knights of the Golden Circle, were you not ?

A. Yes, sir.

Q. Who told you the name of the order ?

A. The man who initiated me.

Q. Had you any books at the initiation ?

A. No, sir ; they just repeated the obligation. I saw no rituals, and do not know anything about electing State officers.

Q. Had you any signs, grips, and pass-words ?

A. I really do not know ; but I think we had.

Q. Can you give any of the signs or grips ?

A. I think there was one made by holding the hand up to the face, with the palm outward ; but after a week or two they all passed from my mind.

Q. Did Grenfel attend any of these meetings that you know of ?

A. It was not in existence at the time he was there.

Q. Did you test him with any of the signs ?

A. I never did.

JAMES MULLEN, a witness for the accused, was then introduced, and being duly sworn by the judge advocate, testified as follows :

By the accused :

Q. State your name and residence.

A. James Mullen ; I live in Carlisle, Clinton county, Illinois.

Q. Did you ever see the accused, Grenfel, before ?

A. Yes, sir ; in Carlisle. I saw him the second or third day after he came there ; I think the second week in September.

Q. How long did he remain there ?

A. I think about two months.

Q. How often did you see him during that time ?

A. Sometimes three times a day, when he was not out hunting ; he went out hunting almost every day. I lived next door but one.

Q. Do you know of his taking any part in political matters, or drilling men while there ?

A. I never heard of such a thing.

Q. Did you see him so often that had he drilled men you would know it?

A. It would be impossible for him to do anything of the kind without my knowing it.

Q. Do you belong to any secret organization?

A. Yes, sir; I belong to the "Licensed Victuallers."

JOHN KENDALL, a witness for the accused, being recalled, testified as follows :

By the accused :

Q. Do you know whether or not Grenfel was detained at Carlisle when he was ready to go away?

A. I think he was for seven days.

Q. For what reason?

A. He was very sick.

Q. Did he remain on that account?

A. Yes, sir.

Cross-examination by the JUDGE ADVOCATE :

Q. How do you know he kept in his room?

A. He lived next door to me.

Q. How do you know when he was going to leave?

A. He told me so.

Q. When did he leave?

A. I do not know exactly.

Q. You only know, do you not, that he spoke about going before he did go?

A. Yes, sir; that is all.

CHARLES PATTEN, a witness for the defence, being recalled, testified as follows :

By the accused :

Q. You spoke of hearing that Mr. Walsh was a brigadier general in the Sons of Liberty, did you not?

A. Yes, sir.

Q. Who did you hear it from?

A. Mr. Doolittle, at the time he made a speech, said he understood Mr. Walsh held some military position. I do not think he said he was a brigadier general. That is all I ever heard about his being a brigadier general.

Q. What do you know about anybody being a brigadier general?

A. Either Mr. Amos Green or Mr. S. Corning Judd spoke to me and said in order to get up a more perfect organization throughout the State, we needed to organize a military society.

Q. Do you know anything as to who was a brigadier general?

A. Mr. Strawn, who was a witness here, was elected or suggested by the society.

Q. Is that all you know of anybody being a brigadier general of this order?

A. Before that I think Mr. Adams was elected, but declined.

Q. Who was Mr. Green?

A. Grand commander of the Sons of Liberty.

Q. Who was Mr. S. Corning Judd?

A. He was grand commander of the Sons of Liberty. It was one of those persons that was spoken of, and he wanted me to take the position of brigadier general, and I declined, as I knew nothing of military matters, and had no time to attend to it. He said it was not necessary to have military men.

Q. Do you know of any acts done by Mr. Strawn in carrying out the intents of his office?

A. I understood he tried to get up a company, but could not get enough men, and gave it up.

Cross-examination by the JUDGE ADVOCATE :

Q. Have you had any conversation with any one since last night ?

A. I have had conversation with Judge Wilson and Mr. Harvey.

Q. Do you say Mr. Walsh was a brigadier general in the Sons of Liberty ?

A. No, sir ; I said he was elected to some position. Adams was first elected but declined ; afterwards Strawn was elected.

Q. Do you know if he accepted ?

A. I know nothing further than his election.

Q. Was Mr. Cassell once appointed brigadier general ?

A. No, sir.

Q. Did he not preside at your meeting in Chicago ?

A. I believe he did.

Q. Do you know Cassell ?

A. Yes, sir.

Q. Do you know he was formerly a soldier in the rebel army ?

A. I do not know ; I have understood that he has been.

Re-examination by T. W. BARTLEY, Esq. :

Q. Do you state that Mr. Green told you what you have stated about the military organization ?

A. I do not know whether it was Green or Judd. It was some time in the early part of the summer at Chicago.

Q. What was it ?

A. That they wished to get up a more perfect organization ; that is, the order wished to do it, so we could get reports of the numbers that belonged to it, and they thought the best plan to adopt was the form of the military organization, and to do that, it was necessary to have a brigadier general appointed in each district, and we were entitled to one in ours, and we were to select one that would be approved by the grand commander.

Q. Who was present at that conversation ?

A. No one, sir.

Q. Had you held any particular conversation with Mr. Green at any particular time with those gentlemen on the subject of this order ?

A. I have conversed with him.

Q. Has this idea of Mr. Green speaking to you been suggested to you by anything that has taken place here ?

A. No, sir ; it has not.

JAMES L. ROCK, a witness for the accused, was then introduced, and being duly sworn by the judge advocate, testified as follows :

By the accused :

Q. State your name, residence, and occupation.

A. James L. Rock ; my residence is Chicago ; my occupation an attorney at law.

Q. Were you ever a member of an association known as the Illini ?

A. Yes, sir.

Q. When did you join that association ?

A. Some time about the last of May or the first of June, 1863.

Q. Where was the place of meeting of that organization ?

A. At the corner of Monroe and Clark streets ; there was subsequently a change in the place of meeting to the McCormick block. I first knew of the change some months afterwards.

Q. Do you know the witness, Dr. Ayer ?

A. I do ; his office is in the McCormick building.

Q. How many times did you attend meetings of this organization ?

A. I attended several meetings before the authorities made the arrests, and two meetings afterwards.

Q. Were you one of the committee appointed by the order for the purpose of making investigation in the objects of the order?

A. I was.

Q. Do you know the witness, Robert Alexander?

A. Yes, sir.

Q. Were you present on the occasion of Judge Morris's making what has been called an explanation of the objects of the order?

A. Yes, sir.

Q. How did Judge Morris come to make that statement?

A. When the committee was raised we had some difficulty in finding out anything, and I mentioned that to Mr. Ayer, and he said there was no necessity going any further, and that there would be an explanation given at the next meeting, which was Thursday. I was chairman of that committee. When the order assembled I got up and made a statement in regard to it; I was followed by Ayer in remarks similar to mine, and then Judge Morris (it was the first time I had seen him) got up. There was only one gentleman sitting between myself and Judge Morris; the distance was, perhaps, six or eight feet.

Q. Were you in a position so that you could hear distinctly all that Judge Morris said?

A. I most assuredly was.

Q. Did you hear all he said?

A. Yes, sir, I did.

Q. What did Judge Morris say as nearly as you can recollect?

A. I could not state all he said, the substance I can. He seemed surprised to think that any member should desire to know the objects of the order; he said he was even astonished that the object of the order was mentioned; that there was a loyal league whose purposes we had to counteract; that our rights had been trampled on; that our forthcoming national convention would most likely be interfered with; that men had been knocked down on the streets. He referred to the railroad conductor, I remember, that had been taken off the cars for putting off an officer's wife at some place where she did not want to get off. He mentioned names I was not familiar with; I think he mentioned Mr. Storey's name.

Q. Did you know that Mr. Storey had been knocked down?

A. Yes, sir; Mr. Storey told me so himself. Judge Morris referred to that, and likewise to some city officer who had been knocked down.

Q. Did he refer to interference with the freedom of the election in the States of Kentucky and Maryland?

A. He cited these as instances that our election there was to be interfered with. His remarks were quite rambling. He spoke of the writ of *habeas corpus*, and considered it an outrage upon the rights of citizens that it should be suspended where the courts were unimpeded. In connection with this, he spoke bitterly of the acts of the administration, and said that the President ought to be, or would be, impeached before the Senate; and he might have spoken of rebel arrests, but I will not be certain. My attention was called to the speech, as I supposed it was a reply to me, and if he had said anything that is charged, I certainly should have known it. He went on to state that he believed it was the object of the administration, and the men under it, to interfere with the election; but, he said, let them beware. I think he said, as sure as there is a God in heaven, if they attempt to break up this convention we will give them hell under the shirt-tail. I know I thought it was an abrupt and uncouth way of expressing himself; and he went on in that same strain. Dr. Ayer drew that out; he said he wanted to know definitely what preparations had been made for an emergency of that kind. Judge Morris said to let them commence, and that

it was our duty to stand by the law and the Constitution; it was our duty to protect it; it was enough for them to violate it. His exact language I cannot recollect, but that was the sum and substance of what he said.

Q. In that speech did Judge Morris make any reference whatever to the prisoners at Camp Douglas, or to their forcible release?

A. I can say, I believe, that he did not.

Q. If Judge Morris had made any such statement in the course of his remarks would you have heard it?

A. If he had made any such remark it was impossible I should not have heard it, and I would have left the room.

Q. Do you know the man Doolittle?

A. Yes, sir.

Q. Have you heard him speak in the order?

A. I have heard him make remarks such as any man that is a monomaniac would make. He seemed to be a privileged character, to say anything that he liked, and some remarks that he made were the cause of getting up this committee.

Q. Did you ever know or hear that that order in any way acceded to those monomaniacal suggestions of Mr. Doolittle?

A. No, sir; they repudiated them as far as I know, and I have talked with a great many of the members.

Q. How did Alexander conduct himself in the order?

A. He made remarks very frequently. They were generally excited and bitter.

Q. Did you ever hear Dr. Ayer make remarks?

A. Yes, sir; three different times, and, with the exception of one speech, they were all bitter speeches; one speech he made was a very conservative one.

Q. Did he say anything about his having been driven out of Kentucky?

A. I am not positive. He told me that privately in his office. I do not remember his saying so in his speeches.

Q. Did you ever hear Ayer or Alexander say anything about the possible interference with the election by the republican party or the military?

A. Yes, sir. We canvassed that matter, perhaps, twenty different times. His office was a rendezvous for us. He always advised that we should be prepared and armed, and he said there was no doubt there would be an interference with the freedom of election.

Q. Do you remember Mr. J. F. Clark, a gentleman who is a member in the order, and made a speech?

A. Yes, sir; he is of Urbana, Illinois.

Q. Did he address the order?

A. Yes, sir; I heard a part of his speech.

Q. Did he say that he was J. F. Clark, or that he was really Colonel Walker?

A. No, sir; he did not say anything of the kind. He was, some years ago, assistant editor of the Laporte Times, under Colonel J. C. Walker. I am intimately acquainted with both gentlemen. He knew me very well, and came to our office, and went up from there to the order. He was speaking when I went in, and he made no such statement when I was there. He was well known there. Three members I know knew him personally, and who knew he was not J. C. Walker.

Q. Did J. C. Walker ever appear in that order to your knowledge?

A. No, sir; I do not think he ever was in the order. Had he come to Chicago he would have come to my house, as he used to make it his headquarters.

Q. You say, do you, this man Clark was well known to you and to other members of the order?

A. Yes, sir; and could not have been mistaken for J. C. Walker; and had he represented himself as Colonel Walker he would have been detected.

Q. Did Clark, in your hearing, call himself J. C. Walker?

A. No, sir, he did not.

Q. Did this man know that there were other members of the order who knew him?

A. Yes, sir, he did, and who would have known had he been stating a falsehood.

Q. Did you ever, during your connection with this organization, hear it stated by any members, or know of any action of the organization which had for its object the release of any rebel prisoners?

A. I never did, sir. I have heard discussions on the street corners among different members, in case of a riot, what it would lead to. If the riot commenced, it might result in the release of those prisoners, and they would sack the city; but it was nothing more than a mere speculation as to what might result if the riot took place in the city.

Q. Was any such object contemplated by the order of the Sons of Liberty to your knowledge?

A. Never, sir, never.

Q. Do you know of any action of the Sons of Liberty, in any way, which ever could countenance such a project?

A. Never, sir.

Q. In what way did Alexander speak?

A. Always in about the same strain; an attack on the administration for usurpation. One speech he made was particularly bitter, when they found what they called a traitor in the camp; it was a Mr. Felton he said was the traitor, and that he had been hired to go into the order to find out its objects and secrets.

Q. Do you know Felton?

A. Yes, sir.

Q. Is he, to your knowledge, a traitor to the order?

A. No, sir; I think he was a man who joined in good faith, and one who would be perfectly willing to tell all he ever heard said. It was through my interference that a committee was appointed to ascertain if he had been guilty.

Q. Do you recollect what Alexander said on that subject?

A. He brought the matter up in the course of his remarks, and said that he was convinced in his own mind that there was a traitor, and that he was hired to come there; and he said that a man who would come in under such circumstances ought to forfeit his life. This man Felton was door-keeper; he was asked to step outside, and after he was outside, Alexander said he, for one, could not have his neck in a noose, for such a man as that to betray him. Then Dr. Ayer spoke and said that he saw him in close conversation with Marshal James, and that when he (Ayer) came in, Felton blushed, and that he thought that was very suspicious. Felton explained his business with Marshal James, and Ayer, himself, said he considered it satisfactory.

Q. Do you say the remarks of Alexander were bitter?

A. Yes, sir. He said that our lives and liberties were not safe a moment, and he told us that he had some arms, three revolvers and a double-barrelled shot-gun, and he knew where he could get more. He spoke of the usurpations of the federal authorities. I heard him speak more than once.

Q. Were his speeches characterized by bitterness against the authorities?

A. Yes, sir.

Q. How was it with Dr. Ayer?

A. It was the same with Dr. Ayer, except the night when Judge Morris spoke.

Q. After Judge Morris spoke on that occasion, did Dr. Ayer get up and make a speech?

A. Yes, sir.

Q. What did he say in regard to what Judge Morris said?

A. He said the explanation was perfectly satisfactory to him, and he could

indorse every word the gentleman had said. Previous to Judge Morris's speaking, Dr. Ayer said that he had joined the order as a loyal, law-abiding order, and that he came there to find out whether it was or not; if it was not he wanted the privilege of withdrawing from it. Then Judge Morris spoke, and Dr. Ayer expressed himself perfectly satisfied, and all went on quietly after that, till the arrests.

Q. It has been said by Dr. Ayer that you volunteered to kill a man by the name of Hull, who was said to be a traitor to the order?

A. I think he swears that there was an agreement to take his life by two other parties. As far as that agreement is concerned, I know nothing about it. The whole matter, as far as I know, transpired between myself and Strawn. Hull was an entire stranger to me, and Strawn said he was a government detective, and that he had told what the order was doing. He said that something should be done; that he, Ayer and Alexander, had been talking about it, and they had referred him to me. I asked if he was sure he was not getting us into a scrape, and he said he was pretty confident he was not. I told him I thought the better way would be, if he was paid for it, to pay him to go away; and I told him to see how much black money would be sufficient to get him away; I think I said \$100. He promised to see him. I saw Ayer a few minutes afterwards, and he broached the same subject. As there was a lady in Dr. Ayer's office, I spoke rather low, and said: "I have seen Strawn on that matter, and you leave that whole matter to me. Strawn seems to think Hull is a detective, but whether he is or not, you know you and Alexander thought Felton was one." I said: "Strawn talks of killing Hull, but that would be a Morgan affair in the order, and if he was killed it would involve us all in the scrape;" and I said then, "leave the whole matter to me." That is all that took place about it.

Q. Did you volunteer to take the life of Hull because he was a traitor to the order?

A. Never, sir; never in the world.

Q. Did you ever hear Judge Morris, except on the occasion you have referred to?

A. Only that time.

Q. When Judge Morris spoke, and Dr. Ayer said he could indorse what had been said, had the judge said anything about cautioning the members of the order to observe the Constitution, and obey the laws of the country?

A. He brought that up particularly, and spoke of it two or three times, and I presume it was upon that that Ayer was satisfied; I know it satisfied me.

Q. Did you ever make a speech in the order in which you advocated the release of the rebel prisoners at Camp Douglas?

A. Never, sir.

Q. Will you be kind enough to state what was said and done with respect to the ladies concealing arms under their crinoline?

A. We had a meeting in Dr. Ayer's office, consisting of Strawn, Alexander, Ayer, Mr. Phelps, myself, Mr. Semmes, and perhaps two or three others; some I did not know. Dr. Ayer said he heard there were some revolvers in Mr. Walsh's house, I think, or at his barn; and in reply to the anticipated difficulty of distributing them, I said, more in sport than anything else: "Why didn't the ladies carry them off under their crinoline;" and I added: "I think my wife is smart enough for that."

Q. Did you ever threaten the life of Dr. Ayer?

A. I never did.

Q. Did you say that if the testimony which Alexander had given in Cincinnati were true, it would be better for him to be Charley Walsh than Dr. Ayer?

A. I did. I went into Ayer's office, and found Felton sitting on the sofa. I asked him, Ayer, if he had seen Alexander's testimony; he said he had in the Tribune. I asked him what he thought of it, and he replied: "Either the re-

porters have made a mistake, or he is mistaken;" but he said: "If I am put upon the stand I will correct it." I remarked: "It is strange;" and he said, "It is;" and he then said: "This matter is destroying my business here; I see it falling off already; my standing as a man is injured;" and I remarked, half laughingly: "If what Alexander says is true, you had better be Charlie Walsh than Dr. Ayer."

The commission then adjourned to meet on Thursday, March 9, 1865, at 11 o'clock a. m.

COURT-ROOM, CINCINNATI, OHIO,
March 9, 1865—11 o'clock a. m.

The commission met pursuant to adjournment. All the members present; also the judge advocate, the assistant counsel, the accused and their counsel.

The proceedings were read and approved.

JAMES L. ROCK, a witness for the accused, resumed his testimony as follows:

Cross-examination by the JUDGE ADVOCATE:

Q. When did you say you joined the order of Sons of Liberty?

A. About the last of May or the first of June, 1863.

Q. Do you say you are a lawyer?

A. Yes, sir.

Q. Is that the means by which you get your support?

A. It has been until within the last two years; I am now out of business; my last business was that of commercial reporter to the Chicago Times.

Q. Why did you not state that when asked?

A. I was asked what my business was, and I answered according to my profession.

Q. When did you leave the Chicago Times's employ?

A. About four weeks ago.

Q. How did you first come to join the order of Sons of Liberty?

A. I think it was a Mr. Rickter or Goodsall who asked me to go up to the hall on Thursday evening.

Q. Who is Goodsall?

A. He is employed on the Chicago Times.

Q. Is he a member of the order of Sons of Liberty?

A. He was a member of the order of the Illini.

Q. Is not that the same as the order of Sons of Liberty?

A. I do not know; I have never heard that name until recently.

Q. Have you been in the grand council of the Sons of Liberty?

A. No, sir.

Q. Who is Mr. Recktor?

A. He is a proof-reader on our paper.

Q. Is he a member of the order now?

A. Mr. Rickter was a member of the order.

Q. Then there were three connected with that paper that were members of the order; were there others?

A. Yes, sir; I think there were, but I cannot give their names; they were principally composers; there was one by the name of Beroy, a compositor, and two others, whose names I do not remember.

Q. Was there one by the name of Storey?

A. No, sir; he was down on the institution pretty strong, and I know he gave me a blowing up when he found out I belonged to it.

Q. Had you no compunctions of conscience about joining?

A. No, sir; not a particle.

Q. Had you after you joined?

A. I thought it was a pretty big humbug, and did not go after a few weeks.

Q. Did you ever think there was anything treasonable about it?

A. I never did.

Q. Did you ever write a letter to a man by the name of Spencer?

A. Yes, sir.

(A letter was here shown the witness.)

Q. Is that your signature?

A. Yes, sir.

Q. Why did you write that letter?

A. Because misrepresentations had been made, and Spencer and myself had several conversations in reference to the matter, and I thought he could set the matter right in regard to the authorities at Camp Douglas, and I wanted them to know that I had never been engaged in anything treasonable, and if I found out there was anything treasonable in the order I would let him know it.

Q. When was this letter written?

A. In December, 1864; I know I wrote it soon after the arrests were made.

Q. Did you ever write to Mr. Colfax in reference to it?

A. Yes, sir.

Q. Did you write to him under an assumed name?

A. Yes, sir.

Q. Why did you do this?

A. Because I did not want to have him know that I was engaged in it at all.

Q. If there was nothing wrong in it, why did you not wish him to know you were in it?

A. I did not wish to write in my own name, because I did not wish my name published in connection with it.

Q. Who is Spencer?

A. James M. Spencer is a lawyer of Michigan, a republican, and has been an officer in the army, and a clerk in some department at Washington; he is well acquainted with Mr. Colfax, and lives at Waukegan.

Q. What was your object in writing to Mr. Colfax?

A. I wrote to him in reference to an article that had appeared in a Washington paper.

Q. Did you say anything about the article?

A. I think I did. I was under the impression that Mr. Spencer had talked to Mr. Colfax about it, and I think I wrote to him that if anything of the kind transpired within my knowledge I would inform him, or if he deemed it necessary for me to go to Washington I would go. I think that is the substance of the letter.

Q. Then it was for the purpose of finding out what Spencer knew, and not to reveal anything about the order?

A. I would have revealed if I had discovered anything treasonable in the order. I always told Mr. Spencer so; if I had thought there was anything treasonable I would have revealed it to the authorities.

Q. Did you advise that the arms should be taken off under the ladies' crinoline?

A. It was only said in a jocular manner.

Q. When was that said?

A. It must have been somewhere between the 7th and 12th of November.

Q. Then you did know that there were arms?

A. Dr. Ayer said there were about two dozen revolvers; that the authorities had not got all the arms, and I think he said there were some two dozen in the barn, and I said, why did not some of the women carry them off under their crinoline? Dr. Ayer and I think Mr. Strawn said there were some arms still left.

Q. When you learned the fact that these arms were there by information of two different persons, why did not you advise the authorities about it?

A. For the very simple reason that I had found out previous to that that these arms were bought for lawful purposes.

Q. What was that lawful purpose?

A. To protect the polls and the national democratic convention.

Q. Is that a lawful mode of protecting your rights at the polls, by using arms?

A. I do not think it is. I found these arms were lawfully the property of those who purchased them.

Q. Did you ever pay any money for the purchase of arms?

A. I never paid but one dollar, and I think that was as an initiation fee.

Q. How did you know they were there for a lawful purpose?

A. Those who bought those arms subscribed for them, and knew what they were for.

Q. Who bought those arms?

A. There was one man whose name was Clark, who said, I think, that he paid a dollar, and if there were a great many hundred of men paid it would go to the purchase of a considerable number of arms.

Q. Did he say that the dollar was for the purpose of buying arms?

A. He said he had paid a dollar and thought it was for the purchase of arms.

Q. Did you ever know any other man who paid a dollar for the purchase of arms?

A. I think a man by the name of Dooley did; I do not recollect of any other.

Q. Did you ever hear anybody speak about paying a dollar for the purchase of arms, save those who belonged to the Sons of Liberty?

A. I do not recollect that I did. They stated that there was a tax or subscription levied on each member for arms, and that portions of them had paid it and a portion had not; but he had paid his, and I know Richtor said he had paid his. That was the first time I knew anything of it.

Q. Did you pay anything?

A. They never called upon me.

Q. You say, do you not, that you heard the Loyal League was armed?

A. It was only hearsay.

Q. Have you heard arms spoken of in the lodge?

A. Yes, sir; they were to get arms.

Q. Did you hear anybody say that they had arms?

A. Yes, sir; I have heard Dr. Ayer and Alexander say that they had arms, and I have seen different members wear arms there, but I never noticed it until the arrests were made. I know that individuals had their private arms, but I never knew that their arms were stored in the city. I know that when I joined there was an armed organization. I heard this in the street—that they were armed as a set-off against the members of the Loyal League. It was talked of by many democrats in the markets that there was an armed organization in each party. I have heard Doolittle say that they had seventy-five thousand dollars' worth of arms in the State of Illinois; this was not done in the organization. I have heard Mr. Alexander say that they had many good arms. I have heard Dr. Ayer, Strawn, Wilkinson, and Judge Morris say so.

Q. Have you ever so stated to the order?

A. If I did it was on their hearsay.

Q. In your speeches to the order were you radical or mild?

A. I should presume that I was pretty radical.

Q. Did you talk as hard as any of them against the administration?

A. Yes, sir; I presume I did.

Q. Did you talk of the usurpations of the administration and the officiousness of the government?

A. I might have done so ; I cannot recollect whether I did or not.

Q. What do you mean by "radical?"

A. A radical, fiery, democratic speech.

Q. What did you speak of?

A. That if we were to organize a body to protect ourselves we should have more vitality; that as we were going forward it was mere boys' play; that they had to employ boys for officers; that there should be enough interest to get men in so that we should be prepared.

Q. Did you ever advocate arming?

A. I am positive I never advocated arming.

Q. What did you mean then by "more vitality?"

A. I think there was not enough interest in it for our prominent men to come in. Dr. Ayer suggested this to me. I wanted them to explain, on initiation, that if there was an onslaught on us at the polls that as a body we should act in self-defence.

Q. By what means?

A. All lawful means.

Q. Any unlawful means?

A. It might have resulted in unlawful means, but we were prepared for it at all events.

Q. Did you make any hostile speeches against the government, as other men?

A. I never made a hostile speech against the government.

Q. Have you made any against the administration?

A. I presume I have. I spoke of the injustice of the suspension of the writ of habeas corpus, and I think I alluded to the arrest of some parties of southern Illinois. I think I treated it as a matter of hardship to those parties that they had been taken down there and kept in prison a certain length of time and then discharged without trial.

Q. Do you know anything about the Coles county arrest?

A. I think the matter was talked of.

Q. Did you think that hardship?

A. It was at an election that there was a fight there, and they were arrested and taken off without trial.

Q. What was said in the order about that?

A. I think it was mentioned as an expense to the persons, as it engaged them in a broil, and they never had any restitution for the trouble. I thought it hard, as many members of the order did. Some one who might act there had involved others in trouble, so that the main body would not act in his protection. Inquiry was made by Alexander why the order, if they were as powerful as they pretended to be, did not protect the Coles county rioters. The reply was, that they were *particeps criminis*, and that they had brought the matter upon their own heads, and the Sons of Liberty were not responsible for them.

Q. When did you first learn this order, Illini, was the Sons of Liberty?

A. Colonel Sweet first told me.

Q. When was that?

A. Between the 7th and 12th of November, 1864.

Q. Did you so consider in speaking of it in your communications?

A. I told Colonel Sweet that if he stated it was the Sons of Liberty I would so designate it.

Q. Did you state to Colonel Sweet, on the 19th of November, 1864, that you knew of the treasonable character of the Sons of Liberty as far back as May or June last?

A. I did not.

Q. Did you state anything to that import?

(Objected to as illegitimate, on the ground of introducing matter not touched upon in the examination in chief.)

The court was cleared for deliberation. On being reopened the judge advocate announced to the accused that the objection was overruled.

The witness replied:

It might be considered to bear that import. Colonel Sweet asked me if I did not consider it treasonable. I said I did not, and he seemed surprised. I think I said that not until July had I the slightest suspicion that there was anything treasonable in it, and then I thought there was a wheel within a wheel, and he fell in with me, and said he believed that. I said I thought there was something outside of what was seen, and that there was something higher. I said my suspicions were aroused about that time; I had my reasons, and I have them still. I did not suspect the loyalty of the society, but I suspected that if the members joined they might be got into some other degree. I heard some talk about higher degrees, and one time I was asked by a member why I did not take a higher degree, and I think I asked Patten if there was any higher degree in the order and he said there was not. Patten said the degree I had taken was the whole of it.

Q. Was that all the reason you had for suspecting there was something treasonable in the organization?

A. Yes, sir; except Doolittle's fiery speeches when he talked so wildly, and I wanted to know what he meant. I remember members saying that it did not amount to anything. One member, I remember, said he "wished that damned old fool would sit down." I was asked one time to go into the grand council, but I never paid much attention to it. I dare say I told Colonel Sweet of all things that I thought to be in the least degree treasonable. What I said I know seemed to satisfy Colonel Sweet at the time.

Q. You say then, do you, that your reason for believing that there was something treasonable in it was your hearing of higher degrees, and Doolittle's fiery speeches?

A. There were a thousand other little things, such as hearing of their having arms from democrats.

Q. I wish to know all the causes that led you to believe there was something treasonable about that order, as far back as July.

A. I said emphatically that I never stated that I saw anything that was treasonable.

Q. I wish to know if you stated to Colonel Sweet that, as far back as July last, there were things which led you to suspect there was something treasonable in the Sons of Liberty?

A. I have made the statement just as I stated it to Colonel Sweet, that there was a *wheel within a wheel*.

Q. What were the reasons you gave Colonel Sweet?

A. I had heard there were so many stands of arms, and I knew the Illini had no arms, for I had seen none; and I had asked about arms myself. All the reasons I can recollect were; that there were other and higher degrees of the order, and Doolittle's speeches, that made me suspicious. I noticed, too, that there were but few members present. Men would join, attend perhaps once, and then you would not see them again; and the reason I gave to myself was that there was a higher order to which they united themselves. There was no higher degree of that order, but there was a higher order. Hearing that there were members that were armed, led me to suspect there was something beyond our order.

Q. What first led you to suspect that there were arms in the higher order?

A. I cannot state; but I believe that it was in a talk between Alexander and myself in Ayer's office. The first I ever heard of it was in the order. Having heard of it, I asked about it, and a committee was appointed to investigate if there was anything in the order that a loyal man would object to belong to.

Doolittle, when he spoke, said that we were gaining strength, and that they were arming in the northwest; and learning that he belonged to a higher order, I, as a matter of course, supposed that he was in the higher order, and I began to doubt and think it was not all right in the higher order. Doolittle's statement, and being asked to join a higher order, or something else, (it was not Sons of Liberty or order of American Knights,) but I believe it was an organization similar to the Illini, but something more binding—it was that which first led me to suspect the order. The man who approached me upon the subject gave me a little book, giving the regulations and by-laws.

Q. I think you said you paid no attention to Doolittle's rattlehead talk?

A. Others did not, but I did. The organization, as a body, did not pay any attention; but on Dr. Ayer, myself, and some few others, it did make an impression, to go on so outrageously. I asked Dr. Ayer what it meant, and he said he meant to find out; and it was in consequence of that the committee was appointed. I know I talked with Phelps and Strawn, and others, about Doolittle, and Strawn, I remember, said that we must not pay any attention to it, or words to that effect; that it amounted to nothing. Geary also advised in the same way, and I think Phelps condemned it, and was in favor of the committee; and a young man in a drug store, I remember, went right down to Dr. Ayer's office to canvass the matter.

Q. Have you not stated that Doolittle's speech caused the appointment of this committee?

A. The body voted the committee. I asked for the matter to be investigated, in referring to Doolittle's speech, and asked for information as to the strength of the order, &c., and a committee of three was appointed; but it was not necessarily granted in consequence of that speech.

Q. Then Doolittle was the moving cause of the appointment of the committee in that organization, was he?

A. He gave me the idea. Had he not made that speech I should not have asked for the committee; so that, in that sense, I did pay regard to what he said.

Q. Did you make as bitter speeches as Doolittle?

A. No, sir; I made some pretty bitter speeches, but as to advocating anything unlawful, or arming for unlawful purposes, I never did. I spoke strongly against the administration, but I did that because I thought it was right.

Q. What did you say of the soldiers?

A. I never said a word of disrespectful language to the soldiers in my life. I have two sons in the army—one crippled for life—and I hope I shall never be guilty of using a disrespectful word against the soldiers.

Q. Do you know if the soldiers were not sometimes called Lincoln hirelings, or Lincoln satraps?

A. I presume they might have been; but it has been in this connection, that it don't apply to soldiers, but to officers. I have heard Burnside's officers, when he suppressed the Chicago Times, called Lincoln hirelings, or Lincoln satraps.

(A letter was here offered in evidence by the judge advocate.

Objected to by the accused as being written long after the matters spoken of occurred, and as not being a legitimate cross-examination of matters not introduced in the examination in chief.

The court was cleared for deliberation.

The court being reopened, the judge advocate announced that objection was overruled.

The letter hereto attached, marked "M M," and made part of this record.)

Q. What was the date at which you had the conversation with Colonel Sweet?

A. From the 8th to the 12th of November.

Q. Then, when you told to your friend Spencer that you could find out if any arms were in the city, and you had promised Colonel Sweet you would do it,

why did you not inform him of the arms you had learned of from Ayer, Strawn, and Alexander?

A. For the reason that they had all been found at the barn of Mr. Walsh before I had had an interview with Colonel Sweet.

Q. Is it true, as stated in your letter, that, in your connection with the order, you had "out-heroded Herod?"

A. It was when I wrote that letter, and there is nothing there I deny. I was told that I would be arrested. Mr. Storey gave me a sober talking to; I was poor, and my family depended upon my services; and Mr. Spencer is, as I stated before, a Mason; I told him that if I found out there was anything treasonable in the order I would let him or Mr. Colfax know, and they could take the matter into their own hands. On the day on which I wrote this letter I found a letter on my desk, saying: "Your life is in danger, leave the city." I could not find out who had written this. I went to Ayer, and he advised me to leave; I did not want to leave, so I wrote to Spencer, as a last resort; he being a reliable man, I thought he would advise me. I adopted the name of the Sons of Liberty because it was after the arrest. It is true I told Colonel Sweet that if I could find any more arms in the city, I would tell him. Those arms, that I suggested should be carried off under the ladies' crinoline, were captured long before I had an interview with Colonel Sweet.

Q. When was it you told Spencer you would tell anything that you found out that was treasonable?

A. I do not know. Mr. Spencer is a strong republican, and he censured me very strongly; he told me it was an organized body against the administration, and I said, if they are, of course I will let you know.

Q. Why did you not keep your promise, and let Spencer know the members were armed?

A. I did not know that they were; I had investigated the matter and could find out nothing. I tried to get arms myself and could not.

Q. Did you go to Walsh?

A. No, sir.

Q. Did you try Geary?

A. I did. I heard that he had arms; Strawn told me. I never had any arms of my own. Just before the national convention at Chicago, they were expecting a regiment of Wisconsin troops, and Storey of the Times office got a notion that they were coming to sack the office, and he invited all the employes of the office to sit up all night and watch the office. I thought it unnecessary. During the evening this man Clark, from Urbana, came in and asked me if I had arms; I said I had not; they said there were arms in the building, and they went and got three navy revolvers and laid them upon my desk, with three boxes of cartridges, and when I went home I put one in my pocket. At another time Dr. Ayer gave me a navy revolver, and that is all the arms I have had anything to do with. Almost every one at this time was being armed, but as far as I was concerned, I thought the election would pass off quietly, and I only acted with the rest; but as for knowing of any rendezvous for arms, I knew nothing about it. Whenever I was told that there was a rendezvous for arms I tried to hunt them up, but always failed. I therefore concluded there was nothing in the rumor. I knew that the Douglas Escort were armed; there were two hundred of them; the general understanding and rumor was that they were to be armed.

Q. Give to the court the signs and pass-words of the order of the Illini.

A. I would with the utmost pleasure if I knew them. When I went in, they said when I came to the door I was to say "Illini," and as I did not go for some time, when I said "Illini" they said that was played out and I could not get in. A few weeks afterwards I got into a similar trap, but I gave my name and was admitted. At the initiation they read a kind of charge from a book and made me promise that I would not develop anything. I was then taken to the north

side and a man there said I was too far north ; I then went to the other side, and they said I was getting too far south. After getting me on a straight line, something was read from a book. The reading in the ante-room to the promise or obligation seemed all right. The regular officer was not there; they were only boys there, and the balance of the ceremony was left until some other time. Something was said as a hailing word or sign of distress, which he explained, "Oak-own" or something of that kind; he said a person inflating the lungs and holding the head back could make a very loud noise. But very little was said, and as I paid very little attention to it, it soon escaped my memory.

Q. Why did Mr. Storey scold you ?

A. For belonging to this society. One night I went down to the office and found an invitation to walk into Mr. Storey's room; he said, "You are compromised with this conspiracy." This was shortly after the arrests. "What the devil," said he, "did you go into this sort of thing? I thought you had some intelligence." He had a note written on reporter's paper seemingly, and he said, "I have a note from Colonel Sweet in regard to you, and he said you had better leave; this is his advice, and this is my advice." I said, "I am not one of the running kind," and I said I would go and see Colonel Sweet, which I did. Mr. Storey is a very abrupt man, a man of very few words. I went to see Colonel Sweet and set the matter all right.

By the court :

Q. Was there any threat or offer made by Colonel Sweet to make you reveal the secrets of the order of the Illini or Sons of Liberty ?

A. No, sir; he treated me very much like a gentleman, and there was nothing of the kind.

Q. Had you any other conversations with Dr. Ayer save the one that has been referred to ?

A. I have had, I think, two or three conversations, all in reference to the testimony that is given here.

Q. Did you go there for the purpose of leaving any money with him ?

A. Never, sir.

Q. Never for any purpose ?

A. Yes, sir; there was one time that I went there as a committee on Masonic Lodge; that was the only time. I never went to Dr. Ayer to solicit money for any other purpose. Dr. Ayer has called upon me to solicit money, but I never asked him for a single cent except for charitable purposes.

By ROBERT HERVEY, Esq. :

Q. When you became uneasy about the objects of this organization, as you have testified, in consequence of hearing those speeches of Doolittle, and hearing that they were superior orders, did you not in consequence of that have this committee raised ?

A. Yes, sir, I stated that.

Q. When this committee was raised and you made a speech or remarks, which were followed by Dr. Ayer making other remarks which called up the speech of Judge Morris, were you, after Judge Morris spoke, satisfied that there was nothing treasonable in the order ?

A. It did certainly satisfy me. I never had any idea that there was anything treasonable in the order, but that there might be some higher order in which there was something treasonable.

Q. Then did what Judge Morris said satisfy you on this point ?

A. It did.

THOMAS DRUMMOND, a witness for the accused, was then introduced, and being duly sworn by the judge advocate, testified as follows :

By ROBERT HERVEY, Esq., counsel for Judge Morris :

Q. Please to state your name, residence, and official position.

A. Thomas Drummond ; residence, Chicago ; I am judge of the United States district court for the northern district of Illinois, which position I have occupied for fifteen years.

Q. State if you know Judge Morris, and if so, how long you have known him ?

A. I met Judge Morris, I believe, in the spring of 1835 ; I am certain I have known him for twenty-five years. I have known him as a citizen, an acquaintance, a friend, as a practising attorney, and as judge of a State court.

Q. Have you any knowledge of his character among his neighbors in the community in which he resides, as a man of humane and kind disposition ; if so, please state what it is.

A. I think he is a remarkably humane and kind-hearted man ; a man easily touched in his feelings by the sufferings of other people.

Q. Have you frequently heard Judge Morris speak ? If so, state what are his peculiarities.

A. I have frequently. His style of speaking is what might be called an extravagant or exaggerated style. He is not very choice in his use of words, and not always grammatical. He is somewhat addicted to cant terms and familiar and slang phrases in his speech. Sometimes his style of speaking is very much excited ; he talks rapidly and occasionally with vehemence.

Q. Have you any knowledge of the opinion of the people of Chicago as to the reputation of Judge Morris for loyalty as a citizen ?

A. My position, pursuits and labors have necessarily withdrawn me considerably from political society ; still I think I know what his character is as a general thing. Defining loyalty—and I think this is necessary, as different meanings are attached to the term by different men—to be fidelity to our form of government and to the Constitution, I think the reputation of Judge Morris, so far as I know it, to be that of a loyal man. He was a very strict advocate of what was called the Crittenden compromise, and desired, exceedingly, that the difficulties between the two sections of the country should be settled amicably. My impression from conversations I have had with Judge Morris is, that when the conflict commenced he was entirely opposed to the course of the south in taking up arms against the government, but during the progress of the contest he seemed to have been convinced that many of the measures and acts of the administration were illegal and unconstitutional, and, perhaps, that they were usurpations. I know he has spoken very strongly upon that subject, but I never heard anything from Judge Morris, and I have never heard from any man who was intimate with him, that would justify the conclusion that he was a disloyal man, or wanting in obedience to the Constitution and laws of the country. I do not know what developments this trial may have produced, not having followed the evidence, but up to the time of his arrest I certainly should as soon have distrusted my own loyalty as that of Judge Morris.

By Judge WILSON, counsel for Charles Walsh :

Q. At the time of raising regiments in Chicago, did you preside at several meetings for that purpose ?

A. I cannot say that I presided at several meetings, the only object of which was the raising of troops ; but I presided at a great many meetings that were called war meetings, the object of which was to unite the sentiment in our city and section of country in favor of a vigorous prosecution of the war.

Q. Do you remember Mr. Walsh ?

A. When Mr. Walsh's name was mentioned as one of those who had been arrested, I did not recollect him by the name, but since I have come in here, I think I have seen him, and have heard his name mentioned as a candidate for the office of sheriff.

side and a man there said I was too far north; I then went to the other side and they said I was getting too far south. After getting me on something was read from a book. The reading in the ante-room or obligation seemed all right. The regular officer was not the boys there, and the balance of the ceremony was left up. Something was said as a hailing word or sign of distress, "Oak-own" or something of that kind; he said a person holding the head back could make a very loud noise. and as I paid very little attention to it, it soon escaped me.

Q. Why did Mr. Storey scold you?

A. For belonging to this society. One night found an invitation to walk into Mr. Storey's room, mixed with this conspiracy." This was short, "devil," said he, "did you go into this sort of thing?" He had a note written on report. "I have a note from Colonel Sweet in regard to your leave; this is his advice, and this is the running kind," and I said I would see Mr. Storey is a very abrupt man, a man of Colonel Sweet and set the matter all right.

By the court:

Q. Was there any threat or offer of the secrets of the order of the Illinois?

A. No, sir; he treated me very well, nothing of the kind.

Q. Had you any other conversation with him?

A. I have had, I think, a conversation, testimony that is given here.

Q. Did you go there?

A. Never, sir.

Q. Never for any reason?

A. Yes, sir; there.

Lodge; that was the only reason.

any other purpose, I was asked him for a favor.

By the court: been a democrat?

Q. When you were a whig before you were born. I never affiliated with the party in the slightest.

Q. When you voted for Mr. Lincoln?

A. Yes, sir; in 1860 and 1864. I am a war man, from the beginning I have been opposed to all compromise, and have believed that this matter never

Q. Was it settled except by force—by war?

Q. Did Judge Morris hold the same views?

A. No, sir, I do not think he did; I think Judge Morris has been a man of peace; his opinion has been that the matter ought to be settled by peace, by compromise, and I believe that a loyal man may be in favor of peace.

Q. Peace at all hazards?

A. I think that a man who is convinced in his own mind that this country can never be united by war, may be opposed to war, and still be a loyal man.

Q. That does not quite meet the question. I want to know if, with your estimate of loyalty, you would admit a man to be loyal who would consent to peace on the terms of separation from this government; would you class such a man as loyal or disloyal?

A. I understand loyalty to consist in obedience to the government and the

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Is he in favor of peace and separation ?

man who is in favor of separation, and wants separation, and
to effect separation, is a disloyal man. But I am speaking
of a man who is a good citizen, obeying the law, and who is giving
support to the enemy.

On the basis of separation, does not every man who acts upon such a course weaken one from those who would subdue the rebellion, and to just the have the government?

There is no doubt that all those men do, to a certain extent, weaken the demonstration in the prosecution of the war. I have always been opposed to them, but at the same time I do not consider that it is my province to charge them with disloyalty simply because of a certain belief which may have entered their minds. Judge Morris and I have differed politically, not only in reference to the rebellion and the measures for suppressing it, the Crittenden compromise, but on almost everything else; certainly with everything like compromise with those in arms against the government.

Q. Did Judge Morris belong to what is called the peace wing of the democratic party?

A. I think he did in this respect, that he thought the war ought to end, and that the difficulty ought to be compromised. I believe he held the opinion that the difficulties between the north and south could be settled by compromise, and in that respect he was always a peace man, I understood.

Q. Did he carry that peace belief to the extent of peace at all hazards, even to the extent of conceding to them their independence?

A. Not that I know of; my impression is that he never did.

- Q. Have you ever heard Mr. Walsh's loyalty questioned before these arrests?
 A. I never did. I have not been in the way of hearing his name mentioned.

Cross-examination by the JUDGE ADVOCATE :

Q. Please to state whether the opinion you have given as to Judge Morris's loyalty is not a matter of your own conviction rather than that of his public reputation?

A. It is necessary to discriminate in relation to that term. There are a great many men in our community, as there are here, who charge every one who happens to differ with any measure or policy of the administration with disloyalty. There are many men in Chicago, for instance, who might call Judge Morris disloyal, because he denounces the President for various proclamations that he has made; but when you come to the true definition of loyalty, I do not know that by any intelligent man he would be charged as disloyal.

Q. Do you define disloyalty as synonymous with treason?

A. No, sir; I do not so define it. I do not think disloyalty can go so far.

Q. Do you think this opinion of the loyalty of Judge Morris is from your own conviction or from his reputation?

A. Perhaps I ought to say that it is chiefly from my own convictions and conversation with him; it has been a topic of conversation frequently. He has been charged with sympathizing with the south; that was the charge made against him, and whenever it was made in my presence I have always tested the ground of the opinion or charge, to ascertain what was meant.

Q. Then is not this the fact, that if you had answered the question as to what his reputation in the community was, would you not have had to answer that his reputation was that of a sympathizer with the southern States that have seceded?

A. My answer would have been that he never sympathized with the southern rebellion. Judge Morris was a southern man by birth, as I understand, and he sympathized with the southern mind I have no doubt.

Q. Was not his reputation that of a man sympathizing with the southern rebellion?

A. It was, with a certain class.

Q. Was this class a majority or a minority?

A. It was, a decided minority; it was only with what might be called the extreme or radical republicans. I have been charged myself with being a sympathizer with the south.

Q. Have you not been a democrat?

A. No, sir; I was a whig before you were born. I never affiliated with the democratic party in the slightest.

Q. Did you vote for Mr. Lincoln?

A. I did, sir; in 1860 and 1864. I am a war man, from the beginning I have been opposed to all compromise, and have believed that this matter never can be settled except by force—by war.

Q. Did Judge Morris hold the same views?

A. No, sir, I do not think he did; I think Judge Morris has been a man of peace; his opinion has been that the matter ought to be settled by peace, by compromise, and I believe that a loyal man may be in favor of peace.

Q. Peace at all hazards?

A. I think that a man who is convinced in his own mind that this country can never be united by war, may be opposed to war, and still be a loyal man.

Q. That does not quite meet the question. I want to know if, with your estimate of loyalty, you would admit a man to be loyal who would consent to peace on the terms of separation from this government; would you class such a man as loyal or disloyal?

A. I understand loyalty to consist in obedience to the government and the

law ; I can only repeat what I said before, that if a man is convinced in his own mind that by war this country can never be united, if this is his honest conviction, he may be in favor of peace, and still be a loyal man. Supposing we are at war with a foreign nation, it would not be denied that a man might be for peace and yet be a loyal man, if he was satisfied that the continuance of the war would only add to the expenditure of treasure and blood, and be of no benefit to the country ; he certainly could be an advocate for peace, and still be a loyal man. So it may be I apprehend in the case of the rebellion ; that if a man is satisfied in his own mind that this country cannot be united by war—and perhaps there is no man who has not at some time during the past five years had doubts forced upon his mind—he may be in favor of peace and yet be a loyal man.

Q. Under that rule would not every soldier in the rebel army be entitled to be called a loyal man ?

A. No, sir.

Q. Does he not honestly believe that by war this country cannot again be united ?

A. These rebels I have always maintained took up arms against the government without any cause ; no wrong had been done them by the government ; no right of property or person had been violated. They owe obedience to the government and to the law, and when they took up arms they committed treason against the government ; they, therefore, subjected themselves to all the pains and penalties of treason. It is difficult for me to understand that their position is precisely similar to that of a man of peace who believes that a continuance of the war will end in the rupture and dismemberment of the country. My answer, therefore, is, that rebels in arms are not loyal ; but I can understand that a man of peace may be loyal, though opposed to the further prosecution of the war.

Q. It then recurs whether such a man is loyal to the government ?

A. I think if a man obeys the laws, and is obedient to the sanctions and mandates of the Constitution, though he may be in favor of peace, that he is not a disloyal man.

Q. But supposing he is in favor of peace and separation ?

A. I say that a man who is in favor of separation, and wants separation, and is doing anything to effect separation, is a disloyal man. But I am speaking of a man who is passive, who is a good citizen, obeying the law, and who is giving no aid or comfort to the enemy.

Q. But suppose a citizen advocates that terms of peace should be made with rebels on the basis of separation, does not every man who acts upon such a conviction take one from those who would subdue the rebellion, and to just that extent weaken the government ?

A. I have no doubt that all those men do, to a certain extent, weaken the administration in the prosecution of the war. I have always been opposed to such men, but at the same time I do not consider that it is my province to charge men with disloyalty simply because of a certain belief which may have entered their minds. Judge Morris and I have differed politically, not only in reference to the rebellion and the measures for suppressing it, the Crittenden compromise, but on almost everything else ; certainly with everything like compromise with those in arms against the government.

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Q. Did he carry that peace belief to the extent of peace at all hazards, even to the extent of conceding to them their independence ?

A. Not that I know of ; my impression is that he never did.

Q. Did you ever hear him speak upon that point ?

A. His conversation with me was always inconsistent with the dismemberment of the country.

Q. Did he say that in any contingency he was willing to fight this war to the end in case there should be no compromise ?

A. He always has been in favor of peace.

Q. Did you ever hear him advocate the war under any contingency ?

A. I think when the war first broke out Judge Morris was for putting down the rebellion ; that is my recollection.

Q. Do you think he changed in that respect ?

A. What he called the change of policy in the administration affected his feelings upon the subject of the war very strongly.

By the COURT :

Q. If any peace man, as you have defined the term, aid in any way, either by word or deed, the cause of those in arms against the government, is he to be classed as occupying the same ground as a rebel in arms ?

A. In law he is not. I should think that any man who, by word or deed, aids the cause of the rebels, would be termed a disloyal man ; but he would not commit treason merely by the use of words, and therefore he would not be in the same class, legally, as rebels in arms.

Re-examination by ROBERT HERVEY, esq. :

Q. Has the administration of the federal laws been entirely unobstructed in the northern district of Illinois at the time of these arrests, and since ?

A. The courts of the United States have always been open, and the processes of the courts, as far as I know, unobstructed ; there has been, perhaps, some question in relation to the writ of habeas corpus, but with that exception the administration of the federal laws has been unimpaired in the district of Illinois. The only contest was perhaps in regard to the suppression of the Chicago Times, by order of General Burnside, and that was afterwards disavowed by the President.

By the JUDGE ADVOCATE :

Q. Was not that disavowed in consequence of your action ?

A. No, sir, never ; it was by my associate judge.

The commission then adjourned to meet on Friday, March 10, 1865, at eleven o'clock a. m.

COURT-ROOM, CINCINNATI, OHIO,

March 10, 1865—11 o'clock a. m.

The commission met pursuant to adjournment. All the members present excepting Lieutenant Colonel Heath ; also the judge advocate, the assistant counsel, the accused and their counsel.

The accused Charles Walsh, Buckner S. Morris, and G. St. Leger Grenfel being asked by the judge advocate if they had any objection to the case being proceeded with in the absence of Lieutenant Colonel Heath, all and severally declared in open court that they had none, and consented that Lieutenant Colonel Heath, when he appeared, should again take his seat upon the commission after first reading the evidence recorded during his absence.

A member of the court objecting to the case being proceeded with unless the absent member should hereafter be excluded from the sittings of the commission, the court was cleared for deliberation. On being reopened the judge advocate announced that the commission had decided that the case should proceed,

and that Lieutenant Colonel Heath should take his seat on recovering from his temporary sickness.

FRANCIS C. SHERMAN, a witness for the accused, was introduced, and being duly sworn by the judge advocate, testified as follows :

By the ACCUSED :

Q. Please state to the court your name, official position, and where you reside.

A. Francis C. Sherman ; I reside in Chicago Illinois, of which city I am mayor.

Q. How long have you filled that position ?

A. Three years the first of next May.

Q. How long have you resided in the city of Chicago ?

A. For thirty-four years next month ; ever since 1834.

Q. Are you acquainted with the accused, Judge Morris ?

A. I am, sir.

Q. How long have you known him ?

A. Since the summer of 1835, very near thirty years.

Q. Have your relations with him been intimate ?

A. As much so as with most men in Chicago ; we have lived together as neighbors for a number of years, during which time we were quite intimate.

Q. Do you know what the general reputation of Judge Morris is amongst the community in which he lives, as a humane man, and a man of kind disposition ?

A. As far as I know, it is extraordinary. He is very kind, and is affable and sociable in his relations in the community. His reputation is that of a kind-hearted and humane man.

Q. Have you heard Judge Morris make speeches ?

A. I have, sir.

Q. Have you heard him in conversation upon political subjects ?

A. I have.

Q. In what manner would you distinguish Judge Morris as an orator ?

A. I should say he was really rather unguarded, not particular with the language he uses ; he expresses himself in his own style, many times with a good deal of warmth of feeling.

Q. Would you describe his style as extravagant ?

A. At times I would ; that is when he was excited.

Q. Does the judge become so in private conversation ?

A. When excited he does.

Q. Do you know what Judge Morris's reputation was in the community in which he lived to the time of his arrest, as a citizen, faithful and loyal to the government ?

A. Excepting among those whom I might term as radical in political feelings, amongst men that would speak prudently, in both parties Judge Morris was considered a law-abiding and loyal man, with some exceptions perhaps.

Q. Did you as mayor of the city, at any time in the summer of 1864, have in your custody any arms belonging to the city ?

A. I had, sir. The city of Chicago was entirely under the control of the mayor by the authority of our government. We had 800 stand of Springfield rifles, a battery of 6 guns, also an old United States piece that was at some time got out of the river.

Q. Where were those arms stored ?

A. At the armory in our city. These were the small-arms excepting about 150 stand which were kept out for the use of the police of the city, and were put in the magazine by my order. There were two sets of doors, the inner doors being for protection from fire.

Q. Did you have any conversation with Judge Morris with regard to those arms and their custody?

A. Judge Morris came to the magazine office, I think on more than one occasion, to inquire of me what disposition I was making of those arms. At different times I had different committees to come to the mayor's office that were sent for the purpose of having these arms distributed either amongst the citizens or home guards. Committees from different nationalities applied for arms, thinking to arm companies of Irish and German; and a committee from the home guards. The judge seemed to be somewhat excited when he called upon me to know what disposition I purposed to make of the arms.

Q. About what time was that?

A. That was some time before the convention last summer. Judge Morris seemed to be somewhat concerned for fear I was going to distribute the arms. I informed him that I had not become convinced it was my duty to let those arms go out at the present time, while there was so much excitement between the two parties.

(Objected to by the judge advocate as irrelevant.)

The court was cleared for deliberation. The court being reopened, the judge advocate announced that the objection was overruled.

The witness continued:

Judge Morris came into my office. I think he informed me that he had heard that I had been called upon to distribute these arms, and asked me if I was going to allow these arms to go out of the hands of the city authorities; in that connection he mentioned that I had been very strongly urged to distribute the arms by one of the committees. I told him I had been so urged, and very strongly, but that I replied if the arms were to be distributed, they should be distributed equally amongst the nationalities. There were the Irish and German companies, and I think an English and a Scotch company. I stated to the committee that if these companies got arms, and were brought out in our city to drill, I was fearful they would get whiskey in their heads, and raise a row, and I said I would not let the arms go out.

Q. What did Judge Morris say to you on that occasion?

A. He said he hoped I would not allow these arms to go out of the hands of the city authorities; that it would be dangerous to either of the parties to have them distributed.

Q. Did he give any reason why he thought it would be dangerous?

A. One of his reasons was that there was a great deal of excited feeling between both parties.

Q. State whether you know if any attempt was made, by unauthorized persons, to get the control of these arms without your intervention, by interference with the locks of the doors?

(Objected to by the judge advocate.)

The court was cleared for deliberation. The court being reopened, the judge advocate announced that the objection was sustained.

Q. Were you not about the time of the democratic convention in August last, from your office as mayor, one of the members of the board of police commissioners?

A. I was, sir.

Q. Was it at that time considered necessary by the board of police commissioners, and yourself as mayor of the city, to take any extra steps to secure the peace of the community by increasing the police force during the time of the convention?

A. Yes, sir; it was, and the police force was increased much.

Q. State whether in the course of increasing the police force, you discovered that there had been any unauthorized arming of men for the purpose of interfering with the convention.

A. At the time the police commissioners were swearing in for that special purpose, there were two men sworn in as special police who had been soldiers, and many others unknown to the commissioners. I thought myself, with my colleagues, it would be advisable to be very cautious in swearing in strangers, as we might get in some desperate men, so that we watched our men very closely. After swearing in these two Germans one of them said to the other, now we shall be supplied with two sets of arms. I snatched it up very quickly and asked him what he meant by it, and where he was to get two sets of arms. General Turchin he said had furnished him with one set, and the city would furnish another. The other German tried to stop him from saying so, and had him put under oath.

(Objected to by the judge advocate.)

The court was then cleared for deliberation. On being reopened, the judge advocate announced to the accused that the objection was sustained.

Q. Are you aware from sources of information publicly obtained by you as mayor of the city of Chicago, and as a member of the board of police commissioners, that an armed interference with the deliberations of the national democratic convention was contemplated by certain persons of the republican party?

A. I could not state that I was aware from any information obtained by me that the republican party, as a party, contemplated interference. I could not say what were the politics of those persons.

Q. Are you aware, from sources of information publicly obtained by you as mayor of the city of Chicago, and member of the board of police commissioners, that an armed interference with the deliberations of the national democratic convention was contemplated?

A. I was aware of that from evidence which came out subsequently.

Q. Did you know that such apprehension was entertained by the democrats?

A. The testimony came out before the police commissioners at the time, and created considerable excitement. I did not, however, believe it myself, although it had been stated to me again and again; but this testimony alarmed me, for this man stated that he had been drilled night after night, two or three nights a week, with two or three hundred men.

Q. Did the statement made by that man become public?

A. Reporters always sat in our board, and it was printed in the papers.

Q. Do you know, in consequence of this information which subsequently became public, that the democratic party, or a portion of them, became alarmed for the safety of the convention?

A. Quite a number of democrats called upon me and became very much alarmed, but as to the democratic party becoming alarmed as a party, I could not say.

Q. Then you are not aware of any action of the democratic party as a party, but you say that democrats did speak to you about it?

A. Yes, sir; I was spoken to by men of both parties who apprehended danger. I would further say, that what I call conservative men called upon me, and requested that every step should be taken to preserve the peace of the city, for fear we should have an outbreak.

Q. Are you not aware that during the time of the convention, a very considerable military force was in the neighborhood of Chicago?

A. There was at Camp Douglas; there was such a rumor among the citizens generally, but I do not know of my own knowledge of any other troops.

Q. State what was the public understanding as to the preparations being made by an armed force to interfere with the national democratic convention?

A. As far as I know, the fact, besides its being made public in the papers, that a number of men, on the north side, from one hundred to two hundred, were being drilled two or three nights in the week, created alarm.

Q. State whether in consequence of these developments made to you, in the

manner you have stated, you had any communication with the commanding officer of the post of Chicago, Colonel Sweet, now General Sweet?

A. I did, sir. I immediately went to Colonel, now General Sweet, and said to him, that I would like to have him explain to me whether the military had anything to do with any such organization. He said he did not know General Turchin as a military man; that he was out of the service, and he said that any assistance I desired he would give me; and that if General Turchin came into the street with the company that he had drilled he would be arrested at once; that his drilling the men was entirely unauthorized by him. I was armed from the circumstance, because it was the first thing of the kind that had come to my knowledge; however, I had heard of resolutions of the kind before.

Q. Was it publicly threatened in some of the Chicago newspapers that this "copperhead convention" should not be allowed to sit in Chicago?

A. So much was said that I should be at a loss to answer the question.

Q. Do you recollect a petition enjoining the erection of the building in which the democratic convention afterwards met?

A. Yes, sir.

Q. Do you recollect that some of the papers stated that not only ought the erection of the building to be enjoined, but that the damned copperheads' convention ought not to sit there at all?

A. I could not state positively; I recollect something of the kind.

By JUDGE WILSON:

Q. Do you know Charles Walsh?

A. I do; I have known him for eight or nine years.

Q. Can you remember whether Walsh, at the time of the national democratic convention, was marshal?

A. I believe I saw him acting in that capacity.

Q. Was he appointed one of the special police?

A. I think he was.

Q. Do you remember his being candidate for sheriff?

A. I do.

Q. Was he sergeant-at-arms at one session of the State legislature?

A. Yes, sir, he was.

Q. How is Mr. Walsh esteemed as a humane, kind-hearted man?

A. I never hear anything against Mr. Walsh; he is impulsive, and, I know, a very active politician.

Q. Was he active in raising regiments?

A. Yes, sir, he was; in the Mulligan regiment and Father Dunn's regiment.

Q. Up to the time of his arrest, did you ever hear his loyalty questioned?

A. I never did.

Q. Do you consider him a loyal citizen?

A. I never knew anything to the contrary.

Cross-examination by the JUDGE ADVOCATE:

Q. When these committees called upon you about these arms, was it for the purpose of keeping peace in the city?

A. That was their representation.

Q. Were they bodies of citizens?

A. Some were independent companies; none of them were soldiers.

Q. Were any of them home guards?

A. Yes, sir.

Q. Was not their expressed intention to maintain the laws, and to preserve the peace of the city?

A. Yes, sir.

Q. When Judge Morris called upon you, was it for the purpose of objecting to these parties having arms ?

A. Yes, sir.

Q. Did these persons represent any particular parties ?

A. No, sir, they did not represent any particular party. An Irish company sent a committee, and the home guards sent a committee, but they were not the representatives of parties.

Q. You acted free of all parties at the time ?

A. Yes, sir.

Q. Did you feel that you were competent to keep the peace ?

A. Yes, sir ; I stated to the citizens that if they would quit abusing each other, we could keep the peace.

Q. When you apprehended trouble, was it trouble from within or without that you feared ?

A. From all I heard, I did not know what we had to meet. After ascertaining that there were companies drilling in the city, I did feel a little alarm.

Q. Had General Turchin been an officer in the United States service ?

A. Yes, sir.

Q. Were not these parties that he was drilling, members of his old command of the nineteenth and twentieth Illinois, that he was expecting to reorganize ?

A. Yes, sir ; I was informed that they were generally German soldiers who had served under him.

Q. Judge Morris is a man of clear intellect and good judgment, is he not ? Succeeded well in life and accumulated a handsome property ?

A. Judge Morris, like most men, has seen his days of success and days of adversity, and upon the whole is a man of fair property. He is generally considered a man of good judgment.

Q. Does not his manner refer to his style rather than his judgment ?

A. I speak more generally of his speeches. When the judge is making a speech at a meeting, he gets somewhat excited, and he is not very particular what he says ; and he says things that others would consider rather imprudent.

Q. Does he take his position hastily ?

A. I have thought so in his speeches.

Q. Was it not in his speeches rather than in the position he takes ?

A. I do not know that I can make it clearer than I have stated. The judge's speeches would be considered, in some men, imprudent, but I do not consider them so from him, knowing him as well as I do.

Q. Upon what subjects does the judge become excited ?

A. Usually upon political subjects ; in ordinary conversation he would on some occasions become excited, but not as a general thing.

Q. With what party did the judge act ?

A. With the peace wing, as it is called, of the democratic party.

Re-examined by ROBERT HERVEY, esq. :

Q. What did this man say was the object of his drilling ?

A. The statement to me was that he was not afraid to whip the rebels down south, and that General Turchin wanted him to go down to the convention to whip the rebels there.

Re-cross-examination by the JUDGE ADVOCATE :

Q. Was it anticipated, at that convention, that there would be parties there from some territory outside of the United States ?

A. I had no such anticipation, but there was some such talk as that.

Q. Was it expected that there were to be emissaries of the rebel government there ?

A. It was so said.

THOMAS B. BROWN, a witness for the accused, was then introduced, and being duly sworn by the judge advocate, testified as follows :

By the accused :

Q. State your name, residence, and the position you hold.

A. Thomas B. Brown ; I reside in Chicago ; have lived there ten years ; and am one of the police commissioners of the city of Chicago, and also a justice of the peace of Cook county.

Q. How long have you been a justice of the peace ?

A. Between three and four years.

Q. Do you know Mr. Walsh ?

A. Yes, sir ; I have known him probably eight years.

Q. Do you know he is estimated as a kind-hearted, humane man ?

A. Yes, sir ; he is considered a kind-hearted, humane man.

Q. Have you known him somewhat intimately ?

A. I have been thrown into his company considerably, until within three or four years.

Q. Up to the time of his arrest, did you ever hear his loyalty questioned ?

A. No, sir ; I never did.

Q. At or about the time of the national convention of 1864, were you present as one of the police commissioners at the appointment of some special police to attend upon that convention ?

A. Yes, sir ; it was in the latter part of August, 1864, a day or two before the democratic national convention. The mayor was there as *ex officio* member of the board.

Q. Do you remember the question arising as to one person having two sets of arms ?

A. I do.

Q. Do you remember whether Mr. Walsh was there at the time ?

A. Yes, sir ; in company with perhaps twenty other men from the democratic party, to be sworn in as special constables. Their main object I understood to be the keeping order at the "Temple of Liberty." Mr. Walsh, I think, was sworn in as marshal, chief or assistant, and he was sworn in as special policeman.

Q. Do you remember whether he was there at the time of the occurrence spoken of in relation to that man ?

A. I think Walsh came early in the afternoon with a portion of those who were coming to be sworn in, and a portion of the company did not come. Walsh remained until we had sworn in a large number of policemen for patrol purposes, and, I think, he was there after this man Mayor Sherman spoke of in his testimony.

Q. Who was that man ?

A. A German. There were several members of the old nineteenth Illinois regiment who had served there five years, and had been recently discharged ; and they had gone from the city of Chicago, and our preference rather was to put on such men, being out of employment, and being efficient ; and I think this man said he had recently been discharged from the nineteenth Illinois, General Turchin's regiment, and previous to his being sworn in, when they were arranged in line, he made the remark, "We will get two sets of arms." Mayor Sherman observed it quicker than I did, and immediately requested him to be put under oath. I think another German was at the side of him, a fellow-comrade, who told him to keep still. He was put under oath, and answered questions. He said that General Turchin had been getting up a company for, I think, home guards, and drilling them in the city, and that he had drilled there one or two nights, and that General Turchin would give them arms, and he would have a set of arms from the police ; therefore he would have two sets of arms. There was some little talk, and the matter explained to him, and the

question again asked him, that in case there was any trouble in Chicago, and we were to swear him in as a policeman, whether he would obey the orders of the superintendent of police, or the orders of General Turchin. He said, finally, that he would obey the orders of the superintendent of police, and he was sworn in as a policeman.

Q. Did he say anything about what they were drilling for?

A. I do not think he understood the language sufficiently to get at his exact meaning. I think he made the remark something like this: "That he had fought the rebels down south, and he was ready to fight them in Chicago."

Q. Were these facts published next morning in the paper?

A. I read the remarks next morning in the Chicago Times nearly verbatim. The reporters were generally present at our meetings.

Q. To which political party do you belong?

A. The Union party.

Cross-examination by the COURT:

Q. Who was General Turchin?

A. He was a Russian by birth, and was employed by the Illinois Central railroad. He raised the nineteenth Illinois regiment, several companies of which were raised in Chicago, and subsequently became brigadier general. He served three years and was discharged. I understood he was mustered out of service before he raised this company.

Q. What was the avowed object of raising this company?

A. Home guards, I suppose.

Q. Do you know whether General Turchin was cashiered or not?

A. I do not know, sir.

By ROBERT HERVEY, esq.:

Q. How long have you known Judge Morris?

A. At least nine years.

Q. Have you known him intimately?

A. Not exactly. Previous to my being elected justice of the peace he was practicing as attorney at the bar. I was a young man and he an old man, and we sometimes met in the trial of a case. He was a generous man; one might easily become acquainted with him; he was generally liked.

Q. Do you know what is his general reputation for kindheartedness and humanity in the community in which he lived?

A. He was of a remarkably kind-hearted and very humane disposition, easily affected with any one's sufferings, and would relieve them if possible.

Q. What is the general character of the judge's style of oratory?

A. Rather impetuous and extravagant, violent in his denunciations; a stranger would suppose he was a man of a terrible disposition, much worse than he really is.

J. L. Rock, a witness for the defence, was recalled.

Q. You spoke of a meeting at which you were present of the Sons of Liberty, immediately after the arrest of these parties?

A. Yes, sir; we convened in the regular hall in the McCormick building; stayed a few minutes, and adjourned to Dr. Ayer's office.

Q. What was the business of that meeting?

A. It was called, I understand, for the purpose of devising some plan to assist Mr. Walsh in his defence, and to investigate why he was arrested, and see what we should do.

Q. Who called it?

A. Dr. Ayer invited me.

Q. What was done at that meeting?

A. We talked the matter over a few minutes in the hall, and it being suggested that there were soldiers at the foot of the stairs, some thought it was dangerous to stay there; half those who were there were government detectives, and the balance flats. Dr. Ayer said his office was a safe place, and we might meet there. We went to Dr. Ayer's office. Some asked who had arms. Alexander had arms, and two gentlemen, whose names I did not know, had arms; and Dr. Ayer said if we were molested there we could stand them "a good tug," and defend ourselves, and advised us to do so. We discussed the probabilities of taking Mr. Walsh away, what was to be done with him, and what he had been guilty of. There had been various remarks and suggested plans. Semmes and a man by the name of Phelps were in favor of applying for a writ of *habeas corpus*. I favored that; it was opposed by some, nearly all, and would be breath thrown away. I think Dr. Edwards was there; he was a man with long, black whiskers; and the feasibility of releasing them by force was proposed by Dr. Ayer. He said he understood how the camp was guarded; he said he understood they had no ammunition. It was also proposed to take them off the cars; it was suggested that a pretty good guard would take them to the station, but on the cars there would be but few, and it was thought that twenty men would be sufficient to release them from the guard. He said, I have three good horses, and I will give the best to release them. Finally we adjourned, and it was determined that we should all take care of ourselves as we best could. The advice of Ayer and Semmes was that we should clear out—make ourselves scarce; that we should be fools to stay, as we should be interrupted. We held a second meeting at the suggestion of Dr. Ayer. When we met on Washington street, some things were discussed, and we resolved that the Sons of Liberty was a humbug, and we resolved ourselves out of it. We formed a new society, and I believe Dr. Ayer was president of the new society. I think we split upon the name; Jacksonians, Washingtonians were suggested; and they left me to draw up the constitution. We made Dr. Ayer president of that association. There were about a dozen of us there. There was a suggestion that a petition be got up and sent to the President, that the trial of the prisoners might be turned over to the civil courts, and be tried in Chicago. Dr. Ayer suggested that we should send for S. Corning Judd, and see if he could not be induced to go down, and I think Strawn went, and Dr. Ayer, I think, furnished the money, twenty-five dollars; and Dr. Ayer told me that it was agreed upon that a telegraphic despatch should be sent, and, if he could come, the message was to be, "The child is better;" if he could not come, he was to telegraph, "The child is worse." Dr. Ayer got the telegram, but Strawn had money in his eyes; he wrote for an extra ten dollars. I remember he left a note at my office to come up and settle his account for expenses. It was also said it was decidedly wrong that we should not go up and condole with Mrs. Walsh, and see if she wanted anything. It was proposed by Semmes, and Ayer said he should be as proper a person as any one. Mr. Dooly, being acquainted with Mrs. Walsh, introduced me to her the next day, and I told her from Dr. Ayer if she wished money or anything else, she was not to hesitate to let her wants be made known.

Q. How many times did you go up to see Mrs. Walsh before you found that note on the desk, stating that your life was in danger?

A. I had seen her once or twice at her house.

Q. How long before Mr. Storey went for you and told you to leave; was it after you found the note on your desk advising you to leave the city?

A. The note was written on a piece of soft unruled paper: "J. L. Rock, your life is in danger; leave the city." It was folded, but not put in an envelope, and put under a weight. I think this was shortly after Mr. Storey received the note from Colonel Sweet.

Q. Is your room accessible?

A. Yes, sir.

Q. How many times did Ayer or any person propose to you to leave?

A. Several times. After Mr. Storey spoke to me I went to Dr. Ayer, and said to him, "I am confident that Colonel Sweet is laboring under a misapprehension." Dr. Ayer hooted at the idea, and said, "You would be sure to be arrested." I hesitated at first, and I concluded I would go to see him, and I did. I went down the same night, but did not see Colonel Sweet at first.

Q. What was the reason that was given to you by Mr. Storey that you could have the privilege of leaving?

A. "Rock," said he, "you are compromised in this conspiracy." He held in his hand a note which looked as though written from a reporter's book. He said, "Colonel Sweet has sent me word, or sent me a note, (I am not sure which,) that you had better leave." I sat down; then he censured me strongly for my course, for he is a man of but few words. He said, "It is only due to the courtesy extended to the paper that you have not been arrested before." I said, "I will go up and see Colonel Sweet." He again told me I had better leave. "But," he added, "you know your own business best; you know how far you are implicated, and you know what to do best. Mr. Sickles, the commercial editor, said if you go let me know, that I may get up another man to take your place." I then tried to find Colonel Sweet, but did not find him; I went next day at ten o'clock and saw him. I introduced myself, and stated what Mr. Storey had told me, and said I had decided to report myself at camp rather than leave. We discussed the merits and demerits of the Sons of Liberty; he was a good deal better posted than I was, had some poetical quotations that I had made, and wanted to know what I meant by them. He was very fresh in all the reports, and I sat down and had a long discussion with him; he looked at me very sharply, and he said, "You have been here before." I said, "I had." He said, "You came to this camp, and was introduced to this camp as Rock, of the Times;" and it embarrassed me a little, but, recollecting myself, I found I had been sick all that day of the pleurisy, and some responsible people happening to be in my room that day, I therefore thought it advisable to make out a record to show Colonel Sweet that I was not out of the house that day until ten o'clock at night, and he afterwards admitted that I was not the man. After the discussion on the Sons of Liberty he softened down considerably; he was very stern at first, and he asked me when I had first seen anything in the order that excited my suspicions, and I told him that there were things that transpired, I think I named the month of July, when my suspicions were first excited. He wanted to know if I could not redeem my position by finding out where those arms were; he asked me if I knew Mr. Walsh, and when he found I did not know him, he again began to suspect, but I did not, for I never saw his face to know it until I saw it in Colonel Sweet's headquarters. I told him I could see Mr. Walsh, and if Walsh told me of any more arms I would tell him. He found out previous to that that I was a lawyer, and he said that I might see Walsh, and try and act as his attorney, and I said, "Very well;" and it was arranged that I should go and see his wife, to see if he wanted me, and if he did I was to know it; a note was written by Mrs. or Miss Walsh and sent up to camp, and a note was sent back. Colonel Sweet arranged that I should see him alone; Mr. Walsh was brought into the room directly west of Colonel Sweet's private room. I asked Walsh if he knew me; he said he did not. Colonel Sweet then proposed to send for his wife, and I think he sent a note to Mrs. Walsh.

The time for adjournment having arrived, the commission adjourned to meet on Saturday, March 11, 1865, at 11 o'clock a. m.

MILITARY COMMISSION, CINCINNATI, O.,

March 11, 1865—11 o'clock a. m.

The commission met pursuant to adjournment.

All the members present excepting Lieutenant Colonel Heath, sick; also present, the judge advocate, the assistant counsel, the accused, and their counsel. The proceedings of yesterday were read and approved.

JAMES L. ROCK, a witness for the defence, being recalled, testified as follows:

By Judge WILSON:

Q. At the time you went from Camp Douglas, that you spoke of yesterday, to Mrs. Walsh's, what was your object in going there?

A. The first time I went was for the purpose of having Mrs. Walsh identify me to Mr. Walsh that I was to act as his attorney. She wrote a note to Mr. Walsh.

Q. Where did you go after you left the camp?

A. I went to my office after I left Mrs. Walsh's house.

Q. When did you go to camp again?

A. The next day, about 3 o'clock p. m., I think.

Q. For what purpose the next day?

A. To have an interview with Mr. Walsh.

Q. In what capacity?

A. As his attorney, as we had agreed upon the day before.

Q. What time did you go there?

A. I think I agreed to be there about three o'clock p. m.

Q. Did you see Mr. Walsh when you first got there?

A. It was perhaps for three or four hours after getting there before I saw him.

Q. Was that the first time you ever saw him to know him, according to your recollection?

A. Yes, sir.

Q. What was the reason of this lapse of time?

A. Mr. Walsh did not know me, and would have nothing to do with me, and it became necessary to send for his wife and have her identify me as the man she had written of.

Q. By whom was this note sent?

A. By an officer, I believe.

Q. At what time was this note sent?

A. It was very near dusk.

Q. Do you know who wrote that note?

A. I do not.

Q. Do you know the object of sending that note?

A. I was told by the officer who had the note—

Q. Did you have any conversation with Colonel Sweet after that note was sent and before Mrs. Walsh came there?

A. Yes, sir.

Q. Did the officer come back with a note?

A. He did, sir.

Q. What was done with that note when he came back?

A. It was given to me.

Q. What did you do then?

A. I was told to go outside; that the first through car which came along Mrs. Walsh would be on it, and I went outside.

Q. Did you find Mrs. Walsh on that car?

A. No, sir.

Q. Did you continue to watch?

A. No, sir; I went back and told the officer to do his own watching.

- Q. When Mrs. Walsh came did she go into the camp ?
 A. Yes, sir, she did, after I had waited about two hours.
 Q. Do you know whether she had an interview with Mr. Walsh or not ?
 A. She did.
 Q. How long was she there ?
 A. Perhaps fifteen minutes.
 Q. Did she then go away before you had the interview with Mr. Walsh ?
 A. She did.
 Q. Where did you have this private interview with Mr. Walsh ?
 A. It was in a room directly over Colonel Sweet's private room.
 Q. Who furnished you with this place ?
 A. Colonel Sweet directed an orderly to take us up in that room, and told the orderly to stand at the foot of the stairs on guard.
 Q. Was there any agreement as to what portion of what was revealed to you as counsel should be told, and what should be kept sacred ?
 A. I made an agreement that everything that was said or done to me by Mr. Walsh should be revealed, excepting what he said about further arms that were concealed.
 Q. How long was this interview ?
 A. Between a half hour and an hour.
 Q. After that interview did you say anything to Colonel Sweet about it ?
 A. I did.
 Q. What did he say when you communicated to him whatever you did upon that subject ?
 A. He was most satisfied when I told him that Mr. Walsh said he did not know of any more arms being secreted, and wanted me to see Walsh again.
 Q. When did he want you to see Mr. Walsh again ?
 A. The next day at 10 o'clock a. m.
 Q. Did he give any reason ?
 A. He did, sir.
 Q. What was it ?
 A. He said that Judge Wilson was to see him at three o'clock, and it became necessary I should see him before Judge Wilson.
 Q. Was anything said as to what capacity Judge Wilson would see him in ?
 A. Yes, sir; he said he was to see him as his attorney.
 Q. Did you see him again as attorney ?
 A. I did not. I wish to say that I divulged nothing to Colonel Sweet that Mr. Walsh told me.

DENNIS DUNN, a witness for the defence, was then introduced, and being duly sworn by the judge advocate, testified as follows :

By E. G. ASAY, esq. :

- Q. Please state to the court your name, profession, position, and where you reside.
 A. Dennis Dunn; I am a Catholic priest and vicar general of the Chicago diocese, and reside in Chicago, Illinois.
 Q. Are you acquainted with Mr. Walsh and his family ?
 A. Yes, sir.
 Q. Do you know anything of a regiment that has been spoken of as Father Dunn's regiment, and sometimes the Irish Legion ?
 A. I do, sir.
 Q. Were you not active in the organization of that regiment ?
 A. I got the credit of it.
 Q. What part, if any, did Charles Walsh take in raising men for that regiment, or any other regiment ?

A. He rendered valuable assistance in raising the Irish Legion, and I think he gave money also. He gave the greater part of several weeks to this work.

Q. Do you know of his rendering any assistance in the raising of any other Irish regiment?

A. I have heard he assisted in raising Colonel Mulligan's Irish brigade.

Q. Do you know what his character for loyalty was, up to the time of his arrest?

A. I never heard of his character being questioned up to that time.

Q. Have you any memorandum in your possession by which you can determine the date of the death of Mrs. Tehon, the mother of Mrs. Walsh?

A. I attended upon her in her last illness. She died on the 24th August, 1864, and was buried on Sunday, the 28th of the same month.

Q. Do you know whether Mrs. Walsh was at her mother's funeral?

A. She was, and her family also.

Q. Under whose directions did Mr. Walsh send his son to school?

A. I advised with him in regard to sending his son to school in a college at the Niagara Falls.

Q. Do you know about his return?

A. I do not; I was absent from Chicago at the time.

Q. What was the general character of Mr Walsh as a citizen and a father up to the time of his arrest?

A. It was that of an honest, upright, honorable man; as a father he was kind and attentive to all the wants of his children, both as regards their education and other comforts.

Q. Was not Mrs. Walsh very feeble in health for some months before Mr. Walsh's arrest?

A. Yes, sir, she was.

Q. At the time of the return of the remains of Colonel Mulligan to Chicago, do you remember any of the acts of Mr. Walsh upon that occasion?

A. Mr. Walsh took a very active part in endeavoring to have the last honors bestowed upon him in as solemn and appropriate a manner as possible, and I think he contributed money for that purpose.

Q. Was Mr. Walsh known in the city of Chicago among the people as an active war democrat, assisting the government in the prosecution of the war?

A. From his actions he certainly was.

By ROBERT HERVEY, esq.:

Q. Do you know Judge Morris?

A. I never had a formal introduction to Judge Morris, but I have seen him frequently.

Q. How long have you resided in Chicago?

A. A little over ten years.

Q. Do you know Judge Morris by reputation?

A. I do, sir.

Q. Have you known him by reputation as long as you have lived in Chicago?

A. I have known his reputation at least seven years.

Q. Do you know what is his general reputation among the community as a humane, kind hearted man?

A. Yes, sir; it is that of a humane, kind, benevolent man.

Q. Do you know what is his general reputation with regard to the present administration, what his general reputation as a loyal citizen of the government of the United States?

A. I never heard his reputation assailed up to the time of his arrest.

No cross-examination.

WILLIAM LILL, a witness for the accused, was here introduced, and being duly sworn by the judge advocate, testified as follows :

By the accused :

Q. State your name, residence, and occupation.

A. William Lill ; I reside in Chicago, Illinois ; I am a brewer.

Q. How long have you resided in Chicago ?

A. Thirty years.

Q. Are you acquainted with Judge Morris ?

A. I am ; I have known him about thirty years, in Chicago.

Q. Are you acquainted with his general character amongst the community as a humane, kind-hearted person ?

A. I am, sir.

Q. What is his character in these respects ?

A. Very good.

Q. Have you heard Judge Morris on many occasions during your acquaintance make speeches ?

A. I have, very frequently.

Q. State what is the characteristic of Judge Morris's mode of speaking ?

A. He was rather a loud speaker, and had the reputation of being a good speaker—spoke so that he was generally understood all over the court-house, wherever he might be.

Q. Was he a vehement talker ?

A. Rather so.

Q. Do you know Judge Morris's character in the community up to the time of his arrest as a loyal citizen of the government of the United States ?

A. I never heard it doubted.

Q. Have you heard him spoken of ?

A. Occasionally.

Q. What was the prevailing opinion of people about him as to his being a loyal citizen of the country ?

A. I think he was looked upon as a loyal man.

By Judge WILSON :

Q. Do you know Mr. Walsh ?

A. Yes, sir ; I have known him eight or nine years.

Q. Do you know whether or not he was engaged in raising a regiment ?

A. I know he took a very active part in raising one or two regiments.

Q. What is his reputation as a kind hearted man or otherwise ?

A. It is very good.

Q. Did you ever hear his loyalty questioned up to the time of his arrest.

A. No, sir.

By ROBERT HERVEY, esq. :

Q. Is not your acquaintance in the city of Chicago rather large than otherwise ?

A. It is, sir.

Q. You have a good opportunity of hearing the opinions of people, have you not ?

A. Very much so.

WALTER KIMBALL, a witness for the accused, was here introduced, and, being duly sworn by the judge advocate, testified as follows :

By the accused :

Q. State your name, residence, and occupation.

A. Walter Kimball. I am at present acting as deputy clerk of the superior court in Chicago. I have held that position for about thirteen years.

Q. How long have you resided in Chicago ?

A. Nearly thirty-two years.

Q. Do you know the accused, Judge Morris?

A. I do; I have known him since 1855.

Q. Has your acquaintance with him been intimate or otherwise?

A. Quite intimate.

Q. What is his reputation among the community as a man of humane disposition and kindly impulses?

A. His reputation at Chicago, among the old inhabitants particularly, and the inhabitants generally who are acquainted with him, I believe, consider him a very kind-hearted, sociable, and agreeable man. He has filled many high positions there in an official capacity, and has sustained them with great credit to himself. He has been mayor of the city, judge of the circuit court, and a practicing lawyer there for thirty years.

Q. What was the prevailing opinion of the citizens of Chicago, up to the time of his arrest, in reference to his loyalty as a citizen of the United States?

A. I have heard a great many people converse about his connection with this matter, and I think I have never heard any expression of opinion as to his being disloyal to the government; but he has been considered a good loyal man up to the time of his arrest.

Q. Have you heard Judge Morris speak?

A. I have heard him make a great many speeches.

Q. State what is the leading characteristic of his mode of address.

A. He is very impulsive; ardent in his feelings; expresses himself with a great deal of gesture, and uses a great many cant phrases, and generally gets off a good deal that is pleasing, and is occasionally a vehement, extravagant talker.

Q. To what political party do you belong?

A. I have voted with the republican party since it was organized.

By E. G. ASAY, esq.:

Q. Do you know Mr. Walsh?

A. Very little. I am not particularly acquainted; I knew him as a resident of Chicago for five years past.

Q. Did you ever hear his loyalty called in question up to the time of his arrest?

A. I never did, sir, previous to his arrest.

Cross-examination by the JUDGE ADVOCATE:

Q. You have heard various conversations with respect to the loyalty of Judge Morris, have you not?

A. Yes, sir.

Q. Then it was a subject of discussion?

A. Yes, sir, after the arrest was made.

Q. Did you ever hear any conversation before the arrest was made as to his loyalty?

A. I think I have.

Q. Was it a matter of discussion?

A. For a short time, about the time of the convention, it was.

Q. Was there a difference of opinion in the minds of the people with respect to that?

A. Yes, sir; some radical men thought that he was disloyal.

Q. Then his reputation in the community was not certainly fixed, one way or the other, whether he was a loyal or disloyal man?

A. I presume a large proportion of Judge Morris's acquaintances—those who knew him intimately—considered him a loyal man; others did not.

Q. Were not most of his acquaintances of his own party—peace democrats?

A. I think not.

Q. Did you have conversations with others—those who thought him disloyal?

A. I may; but I do not remember particularly.

Q. Is your knowledge of his loyalty or disloyalty from your conversation, or from a negative idea that people did not speak against him?

A. I think it is from what I have learned from conversations with those who have known Judge Morris.

Q. Then when conversations occurred it was when some doubt was thrown upon his loyalty, was it not?

A. I presume so.

Q. If there was no dispute about his loyalty it would not become a matter of conversation, would it?

A. Yes, sir; I think it might in connection with his actions previous to his arrest.

Q. In those conversations, either from his conduct or his words, it was a matter of doubt, was it not?

A. It was with some people.

Q. In all those conversations where the subject was discussed, it was discussed as a matter of doubt, was it not?

A. With some it was.

Q. Therefore, every time you have heard his loyalty spoken of, it has been doubted by some one, has it?

A. I cannot say that it has been every time. Sometimes people would talk about it; those who did were satisfied that he was loyal.

Q. How did the subject happen to rise?

A. From talking upon the general subject of his being connected with other persons.

Q. Was that connection with persons who were supposed to be disloyal?

A. I suppose it was.

Q. Then his connection with those persons made his loyalty a subject of conversation?

A. Yes, sir.

Q. Was he not in the community recognized as disloyal as the peace democrats' organization was disloyal?

A. I think not.

Q. Did you in any of those conversations hear him singled out as better than all the balance?

A. I think I have.

Q. By whom?

A. I cannot mention names; but I think from the fact of his long residence in Chicago he was well known there, and was above suspicion.

Q. I understood you to say that in those discussions wherein his loyalty was named, it was a matter of doubt with some persons with whom you conversed?

A. He was not above suspicion with all.

Q. With those you conversed with, then, his reputation for loyalty was not above suspicion?

A. No, sir; not with all.

Q. You say you know Mr. Walsh but slightly? Did you ever hear his loyalty discussed until after his arrest?

A. No, sir; I never heard it discussed.

Q. Were not those persons of whom you speak, by whom his loyalty was questioned, extreme in their political views?

A. Yes, sir; and such men as believed all disloyal who did not agree with the acts of the administration.

MATTHEW HOPPLE, a witness for the defence, was introduced, and, being duly sworn by the judge advocate, testified as follows :

By the accused :

Q. State to the court your name, place of residence, and occupation.

A. Matthew Hopple; I reside in Hamilton, Ohio; I attend to my property.

Q. Are you acquainted with Judge Morris; if so, how long?

A. I am; I have known him since 1828. I knew him while he was a resident of Augusta, Kentucky, for two or three years; think he moved from there to Chicago.

Q. Have you kept up your knowledge of Judge Morris's locality, and your acquaintance with him, since that time?

A. No, sir; I heard of his removal to Chicago, of his sons there, and kept up slight acquaintance since then.

Q. Commencing with your first acquaintance with Judge Morris, from all you know of his reputation since then, what was his reputation as an honest, faithful, and good citizen?

A. His reputation was that he was a man of probity, and honor, and kindness of heart; that particularly distinguished him; as a man he was faithful to his government and country.

Q. How was he esteemed in the community where he lived in Kentucky?

A. He was a lawyer and a member of the legislature of Kentucky in 1828-'30. He represented Bracken county, and was highly esteemed by the community in which he lived. He was a Henry Clay man at that time.

Q. What is your political position?

A. I am a democrat and a Union man.

MICHAEL GLEASON, a witness for the defence, was then introduced, and, being duly sworn by the judge advocate, testified as follows :

By the accused :

Q. Please state your name to the court.

A. Michael Gleason.

Q. Have you been in the service of the United States; if so, in what capacity?

A. I have been in the United States service as a captain of the 23d Illinois infantry. James A. Mulligan was our colonel.

Q. Do you know Mr. Charles Walsh?

A. I do.

Q. How long have you known him?

A. For over ten years.

Q. Do you know what his character for loyalty has been in Chicago up to the hour of his arrest?

A. His reputation has been good.

Q. Were you engaged in the original organization of that regiment?

A. I was.

Q. Did Mr. Walsh take any part in the organization of the regiment and provisioning them?

A. Yes, sir; he raised two companies, and was elected colonel of it in the first organization. I was elected lieutenant colonel, but the regiment was not accepted by the governor, on the ground that the State quota was full.

Q. Did Colonel Mulligan go to Washington after that to have the regiment accepted by the President?

A. He did.

Q. Was it then accepted by the President?

A. It was, on the 15th or 17th of May, 1861.

Q. Did Mr. Walsh continue active in getting the regiment in the field?

A. He kept working for the regiment, but did not go himself.

Q. Were you in the city of Chicago at the time of the threatened draft preceding the presidential election?

A. I was.

Q. Did Mr. Walsh make any effort in raising recruits to avert the draft and fill up the quota?

A. I saw him frequently at the provost marshal's office.

Q. On that business?

A. I do not know.

Q. Are you a member of the democratic organization?

A. I am.

Q. Did you, before the election or convention, know of the existence of any arms?

A. I did not.

Cross-examination by the JUDGE ADVOCATE :

Q. Were you an active democratic politician?

A. Yes, sir; before I went to the war, I used to attend the polls. I do not know that it was a leading part. I always voted at the election.

Q. Did you take a leading part in inducing other people to vote?

A. Yes, sir; sometimes.

Q. Who raised the other eight companies of this regiment?

A. Other persons.

Q. You were concerned in the raising of merely two companies, were you not?

A. Yes, sir.

By E. G. ASAY, esq. :

Q. Did you take an active part in the last campaign?

A. No, sir; I did not.

Q. Do you know of your own knowledge that, after the twenty-third Illinois regiment, or the Irish Legion, went to the field, Mr. Walsh frequently contributed to the assistance of the families of the soldiers?

A. I do.

J. A. KENNICOTT, a witness for the accused, was then introduced, and being duly sworn by the judge advocate, testified as follows :

By ROBERT HERVEY, esq. :

Q. Are you a member of the military organization, in the State of Illinois, known as the Strong Band?

A. I know of such an organization. The "Spartan Brotherhood" is the real name of the order.

Q. Has, or has not, the Union League, to a great extent, been absorbed in that organization?

A. Since about the last of July or August, the great party of the Union League known as republicans and war democrats, I think, have joined the Strong Band.

Q. Is the Strong Band a military organization as an organization?

A. Strictly so.

Q. What may be its number in the State of Illinois, as far as you know?

A. I have no means of knowing exactly. My impression is that it numbered, in August last, twenty-five thousand.

Q. And since July and August you say it has been receiving accessions from the Union League?

A. Yes, sir; since last July, my official connection with the order ceased; since which time I know nothing about it positively.

Q. Do you know that the Union League, as the Union League, have almost ceased to exist, and that they have joined this Strong Band?

A. Yes, sir; it is understood that the Union League is a separate organization. It is understood that the greater part of the leading members have joined the other society. What number have done so I could not state.

Q. But you also stated that the Union League, as a separate organization, was pretty nearly defunct, did you not?

A. It is so understood.

Q. Have you means of knowing what was the strength of the Union League in Illinois?

A. I have heard it variously estimated at from fifty thousand to one hundred and fifty thousand.

Q. How long have you known Judge Morris?

A. Since 1837 or 1838.

Q. You have heard the statement in relation to his being a humane, kind-hearted man; how does that agree with your own knowledge?

A. I believe him to be a kind-hearted, humane gentleman, and that is the prevailing opinion among my acquaintances who know Judge Morris.

Q. What is the prevailing opinion among the community with relation to him as a loyal citizen, outside of his mere opposition to the present administration, as a loyal citizen of the government of the United States?

A. I never heard his loyalty questioned, except by the radical portion of the republican party—that class of men who call everybody disloyal who differ from them. I have heard them say in regard to persons of Judge Morris's position in the community, that their loyalty was of the Kentucky order; by which, I suppose, they meant that they were not sufficiently radical to please them.

Cross-examination by the JUDGE ADVOCATE:

Q. What was this Strong Band to which you belonged, and what was it for?

A. Its objects were solely and entirely to support the laws and Constitution; the lawful authorities of the government.

(The witness here read, from the ritual of the order, the articles of the constitution.)

The judge advocate then offered in evidence a pamphlet entitled "Constitution of the S. B.," said pamphlet marked Government Exhibit "O O," hereto attached and made part of this record. Also a pamphlet entitled "S. B. guide to enlistment," said pamphlet marked "N N," hereto attached and made part of this record.)

Q. Was the organization armed?

A. No, sir; it was never what might be called armed. Its organization is essentially military, copied almost entirely from the national military service; members were drilled and taught military tactics as a science.

Q. For what object and what purpose?

A. For the support of the government.

Q. Against whom?

A. Against insurrection at home or invasion from abroad.

Q. Were they, or were they not, an aid to the government, in case of necessity?

A. That is what I understood as the object of the association.

Q. Were they, in any event, for the violation of the laws and Constitution, or the rights of the people?

A. No, sir; they were not; they organized and drilled for the purpose of maintaining the integrity of the government against invasion or insurrection.

Re-examined by ROBERT HERVEY, esq.:

Q. Was it a secret association?

A. It was; as much as it was possible to make it.

Q. Had the association pass-words and signs by which one member could recognize another ?

A. Yes, sir.

Q. Was there an obligation of secrecy ?

A. There was.

Q. Do you say they drilled in the military mode, and were drilled in the use of arms ?

A. Yes, sir ; they were taught military tactics as nearly as possible the same as the national military forces.

Q. Had this association, to your knowledge, any authority from the government for its organization ?

A. It never had, to my knowledge.

Q. Was there any penalty to be imposed upon the members of this order for the violation of the obligation of secrecy ?

A. There was what was termed a penalty.

By the JUDGE ADVOCATE :

Q. What was that ?

A. It was suspension or dismissal.

(The judge advocate reads from the third section of the constitution of the S B., as follows : " Those who visit the camps of S. B. as honorary comrades are gentlemen of patriotic eminence, elected for that purpose. The President of the United States, the Vice President, and Cabinet, the governors of the States, and all supreme and circuit judges, are *ex officio* honorary comrades during their respective terms of office.")

Q. Was it necessary for them to take the oath or go through any form ?

A. No, sir ; they were elected by the national board of control as honorary members.

By the COURT :

Q. Was not the fact of the existence of this society very generally known ?

A. Yes, sir ; I think it was.

Q. Was it any more a secret society than a public society having secrets ?

A. The regulations and by-laws were open to the public, or were so in the year 1861.

By ROBERT HERVEY, esq. :

Q. This " Strong Band " is not a legal organization, is it ?

A. It is now organized in every State.

Q. What are your political views ?

A. Since the organization of the republican party, I have voted with that party.

By the COURT :

Q. Had the members arms when they were drilled ?

A. It was necessary, from the rule of the society, that officers should wear side-arms, and each camp was possessed of six guns, six swords, and six lances to assist in the ceremonies of initiation.

By E. G. ESAY, esq. :

Q. Had this organization any military commander or generalissimo ?

A. It had.

Q. Who is the generalissimo ?

A. John Wilson was at one time.

Q. There were major generals ?

A. Yes, sir ; Wilson was major general, and subsequently elected commander-in-chief.

Q. Then they had major generals, brigadier generals, and officers down to corporals ?

A. Yes, sir.

Q. And the men who fill these offices are sympathizers with the present administration ?

A. They sympathize with the government.

By the JUDGE ADVOCATE :

Q. Is any person required to belong to any particular party to join this organization ?

A. No, sir ; they were only required to maintain the government and the laws. Up to last August, the majority were known as what is called war democrats.

By E. G. ASAY, esq. :

Q. That is, men who voted for Abraham Lincoln ?

A. Yes, sir.

By ROBERT HERVEY, esq. :

Q. Do you know the strength of the "Strong Band," in Chicago, from July to November ?

A. About the sixth of November it mustered two regiments in the city of Chicago, each regiment consisting of 1,000 men.

By the COURT :

Q. Were these men armed ?

A. They never were.

The commission then adjourned to meet on Monday, March 13, 1865, at 11 o'clock a. m.

COURT-ROOM, CINCINNATI, OHIO,
March 13, 1865—11 o'clock a. m.

The commission met pursuant to adjournment.

All the members present ; also the judge advocate, the assistant counsel, the accused and their counsel.

Lieutenant Colonel Heath, having read the testimony taken during the two days of his absence, was permitted to take his seat on the commission.

The proceedings were read and approved.

MORRIS S. DAVIS, a witness for the accused, was then introduced, and being duly sworn by the judge advocate, testified as follows :

By the accused :

Q. State your name, residence, and occupation.

A. Morris S. Davis ; Wapakoneta, Auglaize county, Ohio.

Q. Did you ever reside in Austin, Texas ?

A. Yes, sir.

Q. What is your occupation at the present time ?

A. I am now in the fire and life insurance company, and am justice of the peace.

Q. Did you ever know John Shanks, who was formerly a clerk in the land office ?

A. I did, sir.

Q. Under what circumstances did you form his acquaintance ?

A. It was under very unpleasant circumstances. I formed his acquaintance while in prison.

Q. Was he in prison with you as a prisoner ?

- A. Yes, sir. He was arrested for forgery.
- Q. Did you learn from him, while in prison, whether he was tried and convicted?
- A. I know that he was tried and convicted and learned it from his own mouth.
- Q. What did he forge?
- A. A land warrant.
- Q. How long was he sentenced to the penitentiary?
- A. He was tried on the first indictment and convicted for three years. He was not sentenced because he made an appeal to the supreme court for a reverse.
- Q. How many indictments were there pending against him for forgery at that time.
- A. I cannot state positively; it was either three or five.
- Q. How many was he tried on?
- A. One, so I understood from him.
- Q. Can you state under what circumstances and upon what grounds he was set at liberty?
- A. I cannot. The last remark I heard him make was that "he would be d—d if he would rot in jail, but would fight them to the last day."
- Q. Where was he when you left the prison?
- A. He was not in prison; he had taken his appeal to the supreme court.
- Q. Did you leave Texas before the termination of his case?
- A. I am not able to tell you that, but I presume I did, from the fact that I left Texas before the supreme court sat at Austin, so as to give judgment either whether he should have a new trial or not.
- Q. Do you know whether there was any reverse or pardon granted to him?
- A. I do not.

Cross-examination by the JUDGE ADVOCATE:

- Q. What was you in prison for?
- A. I was there for killing a man.
- Q. You were in for murder then, and Shanks for forgery, was he not?
- A. Yes, sir.
- Q. Was you acquitted or convicted?
- A. I was convicted of manslaughter, and subsequently pardoned.
- Q. Are you sure this man was John Shanks?
- A. That was his name, so he told me.
- Q. Was that his full name?
- A. I cannot tell. I can describe him.
- Q. Do you not know that Shanks's sentence was reversed in the supreme court?
- A. No, sir.
- Q. Did you see the witness, John T. Shanks, when he testified on this stand?
- A. No, sir. I was not here, and heard none of his testimony.
- Q. The man you know was John Shanks, was it?
- A. Yes, sir. I read his testimony; and a remark I made at the time, I presume, was the cause of my being subpoenaed. I remarked to my brother that that was the same Shanks who was in jail with me in Texas, and when I read that he said he had never been convicted I said, what a lie that is.
- Q. Do you know any of the Shanks in Texas?
- A. No, sir. This man told me his whole history, and said he had lived at Nacogdoches, Texas.

Re-examination by Judge BARTLEY:

- Q. Under what circumstances were the charges made against you?
- (Objected to by the judge advocate.)
- The court cleared for deliberation.
- The court being reopened, the judge advocate announced that the objection was overruled.

The witness continued:

A. I was accused of the murder of Colonel Henry W. Sublett. I called into a gentleman's room, a friend of mine; they were playing a game of cards at the time; my friend that I had there requested me to play his hand while he went to supper; I did so; I had been hunting and came back and had no money with me, but my friend gave me some to play with until he came back. We played and Sublett won all the money I had at that time. He had been drinking a good deal, and I presume I had my regular quantity. Finally, after winning all my money, he commenced to talk to me and to make sport of me, calling me a damned abolitionist. I said, no, colonel, I am not, never was, nor never expected to be. Well, said he, you cheat. I replied, if I did he had the money, and ought to be satisfied. Well, said he again, you are a God damned thieving abolition son of a bitch. I said to him, if you say so you are a damned stinking liar. With that he attacked me. I jumped up and caught a chair and struck him on the left forehead, fracturing his skull, and he died the next night. I went to San Antonio; we intended to take the Plazzo House. While there I was arrested. I got a letter the morning of my arrest that the man had died, and that the men who had come to arrest me were the friends of the deceased. I was put in prison by the brother-in-law of the deceased, and remained there one night, after which I went back to Austin. Prior to my getting to Austin I was attacked on the road by another brother-in-law of the deceased, and I would have been shot if the marshal had not thrown himself in front of me.

Q. How soon were you pardoned after your conviction?

A. I lay a good while after I was attacked twice, and subsequently a party tried to hang me. I had taken out an appeal to the supreme court at the time, but my friends advised me to abandon it or I would be assassinated. They were under the impression in Texas that the abolitionists had burnt Dallas.

Q. Did you leave Texas to save your life?

A. I did, sir.

Q. Do you know that this John Shanks had been a clerk in the land office?

A. I do.

Q. From the testimony he gave do you believe him to be the same man?

A. Yes, sir; and from circumstances I now think his name was John T. Shanks.

By the COURT:

Q. Can you describe this man?

A. He is a small man, dark complected, black hair, and wore a goatee and moustache at the time I saw him, about the size of the judge advocate, probably a little larger.

Cross-examination by the JUDGE ADVOCATE:

Q. Did you state these facts to the jury?

A. Yes, sir.

Q. They convicted you of manslaughter, did they?

A. Yes, sir.

Q. Did they send you to the penitentiary?

A. Yes, sir; by my own consent.

Q. Could they not send you without your consent?

A. No, sir. I had made an appeal to the superior court, and I withdrew my appeal, for I knew I was to be assassinated.

Q. Were you convicted before you took your appeal?

A. No, sir. In the sentence they designated my term of imprisonment, and from that I took my appeal.

Q. Did you withdraw your appeal?

A. Yes, sir.

Q. You were pardoned ?

A. Yes, sir.

Q. How long did you lie in the penitentiary ?

A. I think twelve or thirteen months ; it might have been a little more or less. I was kept for the purpose of preventing my assassination. I was not locked up at all ; occasionally I would go out to the superintendent's house and get my meals.

By Judge BARTLEY :

Q. What was the standing of Colonel Sublett and his family in Texas ?

(Objected to and withdrawn.)

Q. State upon what grounds the governor pardoned you ?

(Objected to and withdrawn.)

Miss MARY WALSH, a witness for the accused, was then introduced, and being duly sworn by the judge advocate testified as follows :

By the accused :

Q. State your name.

A. Mary Walsh.

Q. Are you the eldest daughter of Charles Walsh, one of the accused ?

A. Yes, sir.

Q. Have you sisters younger than yourself, over the age of fourteen ?

A. Yes, sir.

Q. Are those the only sisters you have over the age of fourteen ?

A. Yes, sir.

Q. Is Willie Walsh the only brother you have over the age of fourteen or fifteen ?

A. Yes, sir.

Q. Did you see the witness Langhorn in court ?

A. Yes, sir.

Q. Did he ever, to your knowledge, visit your father's house ?

A. No, sir.

Q. Did you ever see him ?

A. No, sir. I never saw him until I saw him here.

Q. Did you ever, in the presence of Langhorn, receive any instruction in the making of cartridges, or make any in the year 1864 ?

A. No, sir ; nor at any time

Q. Was there, to your knowledge, at any time any cartridges made in your father's house ?

A. There never was.

Q. Was there any small room off the sitting room of your father's house ?

A. No, sir ; there was not.

Q. When did you first learn that your father had arms and munitions of war in his house in any quantity ?

A. When they were first brought there ; there were some brought there in June or the latter part of July.

Q. How many were brought at that time ?

A. The greater number.

Q. Were they the same arms that were afterwards found and appropriated by Colonel Sweet ?

A. Yes, sir.

Q. What did they consist of ?

A. Shot guns and pistols.

Q. Do you remember the delivery at your house of any cartridges ?

A. Yes, sir. There were some brought in a trunk.

Q. When were they brought ?

A. It was either two or three weeks before pa's arrest ; it was subsequent to the convention.

Q. How were they brought there ?

A. I think it was in an express wagon ; it was in the evening, getting dark ; they were put in the hall.

Q. Did you learn where they came from ?

A. I did not.

Q. When did the arms come up ?

A. Just about noon, in an express wagon.

Q. Where were they first put ?

A. In the barn, immediately back of the house.

Q. At or about the time of the delivery of the arms at your father's house, did he make any statement what they were for ?

A. I asked him what they were for, and he said they were for the protection of the democrats ; that the republicans had threatened to break up the convention.

Q. Did he make any declaration after that as to what they were kept there for ?

A. For a free election.

Q. Did you at any time go with your father to Peoria ?

A. I did.

(A paper was here handed the witness—JJ.)

Q. Did you ever see that paper before this morning ?

A. I did.

Q. Did you give it into my hands ?

A. I did.

Q. What is it ?

A. It is a receipt from the Hon. O'Bryan, given to my father for (25) twenty-five pistols.

Q. When was that given to your father ?

A. In Peoria, about the 3d of August, at a democratic meeting.

Q. Who spoke at that meeting ?

A. General Singleton and a great many others.

Q. Was Mr. O'Bryan one of the orators ?

A. Yes, sir.

Q. For what purpose were the pistols delivered to Mr. O'Bryan ?

A. To preserve the peace in case of a riot.

Q. Did your father, at the time of the delivery of those arms, make any statement to Mr. O'Bryan ?

A. Yes, sir.

Q. State what it was.

A. I do not exactly remember ; he said that, judging from appearances, there would be a difficulty, that several had threatened to break up the meeting, but he hoped to God he would have no occasion to use them, and, in case any trouble should arise, the arms might be ready. Mr. O'Bryan did not come that night, but he came next morning and got them.

Q. Were they distributed ?

A. Yes, sir.

Q. Was there any riot ?

A. No, sir ; and the arms were not, to my knowledge, used.

Q. On the night of your father's arrest there were two persons in the house, who have been made parties in this transaction ; had those persons been in your father's house before that ?

A. Yes, sir ; once—when they were introduced by Uncle Joseph Tehon.

Q. Has he been here waiting to testify as a witness ?

A. Yes, sir.

Q. When were they there first?

A. I think it was about a week before, but I think they did not come in; they only came to the door.

Q. Did your father see them at that time?

A. No, sir.

Q. Under what circumstances did they come there on the Sunday night of the arrest?

A. All that I know is that uncle brought them there; it was in the afternoon, some time before tea; they remained to tea—also my uncle—and they remained there until the arrests.

Q. Did your uncle remain all the time?

A. No, sir; he went away immediately after tea with papa, and desired the gentlemen to remain until he came back, which he said he would do in an hour or two.

Q. Did he come?

A. No, sir; he did not come at all.

Q. What kind of an evening was that?

A. A very disagreeable evening.

Q. What time does the last car leave the city for your house?

A. At ten o'clock, on Sunday night.

Q. At whose invitation did they remain?

A. At my own.

Q. Was your mother there?

A. No, sir; she was sick; but I had her permission.

Q. Did your father receive an introduction to these men?

A. Yes, sir; I introduced them to him at the tea-table.

Q. Did he see them any length of time after tea?

A. No, sir; he only saw them at the tea-table. We went from the tea-table to the sitting-room, and he came back and said, "You had better remain; I shall be back in an hour or two;" but it was a disagreeable evening, and papa did not return.

Q. State all that transpired at and about the time of the arrest.

A. When I heard the noise I first went to the door; I asked who was there. We retired about eleven o'clock that night; the arrest was about half past one. Father had, before that, returned, unknown to me. I went to the door, and they desired me to open it; I told them I would not; they insisted, and were rather vulgar. I went to my brother's room and called him. I did not know that father was at home. There was a little light in the hall, and I turned it up and went to tell brother to come down, as I was afraid to open the door. When I went to tell brother, father had come down, and I think father and brother went down together; father went down. I was standing there all the time; I and my sister were standing on the stairs. They told us that they were going to search the house. I asked them what for, and they said it was none of my business. They went to the parlor first, and opened the door of the room out of the parlor and found the pistols. They took them, and I told them if they would go up to the front room up-stairs they would find all that were in the house. I gave them the key of the closet. The captain commanding told the soldiers they had "better go and kiss the ladies;" it was Captain Phillippateaux; but I prefer not to state everything that took place, it was so disagreeable. My mother was sick; I told them so; that there were no arms in the room, but they pulled and dragged the bed about. My mother is an old lady, and she has been an invalid for seven years.

Q. How did the soldiers behave towards you?

A. They insulted us, and would not allow us to dress. I went to the cap-

tain and asked him if he would give us a room, and he did not say whether he would or would not.

Q. At what time did the soldiers leave?

A. It was not until after four or about four o'clock. The colonel said we might have the house until morning, and the soldiers left in charge told me I must give a room for a guard-house. I told him there was no fire except in the back parlor. He said if I did not give a room he would make a fire in the hall.

Q. In what condition was the parlor furniture left?

A. The backs of the chairs were broken off, and the bottom torn out of the sofa, and the ivory torn off the keys of the piano.

Q. Was your father taken to Camp Douglas?

A. He was taken first.

Q. Were any other arms found after you told them where they could find the balance of them?

A. No, sir.

Q. Were there any other arms on the premises of your father to your knowledge?

A. No, sir.

Q. Have any been found since?

A. Some have been found in the city, I believe.

Q. Where was your mother on the Sunday preceding the convention, in August?

A. Part of Sunday she was at home.

Q. Where was she on Monday?

A. She was in town at grandma's; grandma had died a few days before.

Q. What were they doing on the Monday?

A. They were breaking up house and selling. She went on Sunday to Father O'Dowd's funeral, and remained at my grandmother's until late Monday night.

Q. What time did she return on Monday night?

A. It must have been twelve o'clock; it was on the last car. My mother was not at my father's house from Sunday afternoon till late on Monday night.

Q. Then Mr. Langhorne did not see your mother on that Monday, did he?

A. He did not.

Q. Was your father engaged at the time in the raising of troops for the government?

A. I do not know when he was not so engaged.

Q. Has he been actively engaged in that during the whole war?

A. He has been.

Q. How was it with the Mulligan regiment?

A. He first raised it.

Q. Did he continue to assist after Mulligan became the colonel of it?

A. Yes, sir.

Q. Was he active in raising the Irish Legion?

A. Yes, sir. He sought the appointment of Colonel Morrow.

Q. Had he not the reputation of being an excellent soldier?

A. Yes, sir.

Q. Were you taken from school before your education was completed?

A. I was to return six months after I left.

Q. Why did you not return?

A. I left school in July, and father got a little embarrassed and said that he did not allow me to return as I had so many other sisters to go.

Q. Did he state what had embarrassed him?

A. He had raised so many troops and had spent so much that way

Q. How was it with your sister?

A. It was worse with her than with me.

Q. Do you remember the return of Campbell's regiment?

A. Yes, sir; it was with the Scotch regiment.

Q. Do you remember what kind of a day and night it was when they returned?

A. Yes, sir; it was a dreadful night.

Q. Did your father receive any of that regiment?

A. Yes, sir.

Q. What did he do with his horses that night?

A. He turned them out of the stable, and it was occupied with three or four hundred of them. One young man, I remember, died there.

Q. Was the house itself filled with soldiers?

A. Yes, sir; part of it was, except where the children were.

Q. On the night of your father's arrest had he any amount of money on his person?

A. Yes, sir; he had \$550 to my knowledge. He left it on the bureau of my mother's room, but we have not seen it since. He told me when he left that we could find it on the bureau of my mother's room. We searched for it but did not find it, and it has not been found from that time to this.

Q. During the time your father had those arms in his possession did he ever show them to any other person or persons?

A. Yes, sir.

Q. To whom did he show them?

A. Malcolm McDonald, and I think Mr. Comiskey, but I am not sure.

Q. Was there any secret made among the democratic visitors of those arms?

A. No, sir; they were frequently shown them.

Q. Was it talked over in any shape?

A. Yes, sir; I have frequently heard conversations that they were for self-defence. It was threatened at first that the convention was to be broken up, and the organization which denied them their rights had threatened to break it up.

Q. What other purposes were they for?

A. To be used at the election if they were interfered with at the polls by the republicans.

Q. Have you had charge of any of your father's matters of business or correspondence?

A. Yes, sir.

Cross-examination by the JUDGE ADVOCATE:

Q. Were there a great many persons visiting your father's house during 1864?

A. Not more than at other times. There were a great many at all times.

Q. Were there a good many democrats who visited the house who knew about the arms?

A. Yes, sir.

Q. Were there as many persons visiting your father's house who were admitted into the secret of those arms as there were other democrats who were not allowed to know?

A. I do not know.

Q. Who were those friends of your father's that came to see about the arms?

A. They were soldiers and officers as well as democrats.

Q. Who were those democrats who visited your father's house who knew about the arms?

A. There were so many I cannot recall them. I remember Mr. Dolphin, Mr. McDonald, and Mr. Comiskey, to whom we were to give some of the arms.

Q. Do you know Mr. Diller of Chicago?

A. I have heard of him; I know he is a leading democrat.

Q. Did you ever see him at your father's house?

A. Not to my knowledge.

Q. Did you ever see Mr. Francis Adams?

A. No, sir.

Q. Are you not more the companion of your father in his travels and in his political movements than other members of your family?

A. Yes, sir.

Q. Does he take your advice, and counsel with you?

A. I never give him advice; I always look to him for it.

Q. Where did you get this receipt, at Peoria?

A. He gave it to me to keep.

Q. Explain to the court what that "25 vols." means.

A. I cannot explain that. I suppose it was a receipt for twenty-five pistols.

Q. Did you see Mr. O'Brian write this receipt?

A. No, sir; but I heard father say to Mr. O'Brian "Give me a receipt;" and they went away, and when they came back papa gave me that receipt in Mr. O'Brian's handwriting.

Q. Did your father explain the receipt to you?

A. No, sir.

Q. Do you know the character of the Peoria meeting?

A. It was democratic.

Q. Was it not what is called a peace meeting?

A. I do not know.

Q. Do you know by whom it was called?

A. On a paper which I saw there were the names of the prominent men.

Q. Do you know who paid the expenses?

A. I know the democrats paid the expenses. My papa paid for some of them. I think I heard Mr. Ewing say that he paid some money.

Q. Do you know who paid the expenses of the meeting—getting apparatus, transparencies, and the newspapers who advertised the meeting?

A. I do not know, but I heard several who said they paid.

Q. Were the speeches of the leaders of a peace character?

A. There were different speeches and different notions expressed.

Q. Did you see the revolvers taken out of your father's house?

A. Yes, sir; and I saw them delivered at Peoria.

Q. Do you know of any other revolvers being delivered from your father's house?

A. No, sir.

Q. Where did they come from to your father's house?

A. When they came they were new.

Q. Where did the cartridges come from?

A. Some came in a trunk; they all came at one time.

Q. Did you see some that were covered with yellow paper and were made in a bungling sort of manner?

A. Those came about three weeks before the others, I believe.

Q. Do you know where they were made?

A. No, sir.

Q. Did you mean to say that at any time or any place you did not see or make any cartridges?

A. No, sir.

Q. Did you never handle any powder in any way?

A. No, sir.

Q. Was it you, when the soldiers came to the door, that answered you would not open it?

A. Yes, sir.

Q. Did not Colonel Skinner say that they had an unpleasant duty to perform?

A. Yes, sir; he said they would have to go through the house.

Q. Did he not say the soldiers would not insult the ladies?

A. It was not the soldiers; it was Captain Phillippateaux.

Q. Did you ever complain to Colonel Sweet or any concerned?

A. I went to him and told him that the house was all upset and the furniture broken. I do not know whether I mentioned Captain Phillippateaux. I went for the purpose of asking to be allowed to send a stove to papa, but the colonel seemed to be engaged, and I did not wish to detain him.

Q. Did you mention that the chairs were broken?

A. I mentioned that the fence was all broken down and that the cattle were all coming in.

Q. Is that the chief thing you spoke of?

A. Yes, sir.

Q. Did you say anything about the insults on the part of those who had access to the house?

A. Yes, sir; I told him that money had been taken, and he said he did not believe the boys would take it.

Q. Had you any conversation with your father in the night after he came home?

A. No, sir; I did not know that he was home.

Q. Did you have any chance to converse with him at all before he was taken away?

A. No, sir.

Q. How did you know that he had \$550 when he had been down town and you had not seen him at all?

A. I wrote to Colonel Sweet and said that I knew he had a check for \$1,000 and \$550 with him, and we needed money; I desired he would send it. Papa answered, telling us that the money had been left on the bureau. We started and found the pocket-books, but the money was gone. I know that on the night of the arrest he had this amount of money, because I counted it, but I did not know the money was gone until after father's arrest.

Q. Would you be able to identify all the persons who visited your father's house during these exciting times, the convention and the election?

A. I think I would if I should ever meet them.

Q. Suppose a gentleman was there, having on one kind of dress, no moustache, no whiskers, and under a given name, and that you afterwards saw that gentleman in another place, and other dress, with whiskers, and a different name, would you know him?

A. I think I might not remember the name, but I think I would remember the features.

Q. Did you know who Cantrill and Travis were when they were introduced to you?

A. My uncle introduced them as friends of a friend of his.

Q. Did you know they had been soldiers?

A. No, sir, I did not.

Q. Do you know of their getting on the roof at the time of your father's arrest?

A. No, sir; I did not see that at all. I saw them pass through the house with the soldiers.

Q. Were there any relatives of yours in the regiment your father helped to raise?

A. Yes, sir; I had an uncle who was first lieutenant in one regiment.

Re-examination by E. G. ASAY, esq.:

Q. Was a daughter of Colonel Sweet's a frequent visitor at your house prior to the arrest?

(Objected to by the judge advocate. The court was cleared for deliberation. The court being reopened, the judge advocate announced that the objection was sustained.)

Q. Was Mrs. Tonsley at your father's house on the Monday night preceding the convention, at the time you say that your mother was attending the sale at your grandmother's?

A. Yes, sir, she was.

Q. Is it not a fact that the officers and men of the Irish and Scotch regiments were nearly all democrats?

A. Yes, sir.

Q. Were they known as the three democratic regiments in Chicago?

A. Yes, sir.

Q. Do you know of the delivery of any arms at the Times office for any purpose?

A. Yes, sir.

Q. When?

A. It was at the time they threatened to mob the office. At one time all the arms were taken away.

Q. Suppose you had assisted a person with or without whiskers in making cartridges, whose clothes might be changed with every change of the hour; or suppose he had given you instructions how to make cartridges in the month of August last, do you think you would be likely to remember that person and that fact?

A. Yes, sir.

Q. Did you ever have any such event transpire in your history?

A. No, sir.

Q. Do you know how to make cartridges?

A. No, sir.

Q. Did you ever see one made?

A. No, sir.

Q. Had you, in the month of July or August last any servants about your house?

A. Yes, sir; we had two or three servants in the house.

JAMES B. DALTON, a witness for the defence, was then introduced, and being duly sworn by the judge advocate, in the presence of the accused, testified as follows:

By the accused:

Q. Please state to the court your name, occupation, and residence.

A. James B. Dalton. My occupation is that of building cars and trimming them. I live at Chicago, three miles south of Camp Douglas, where I have resided since 1851.

Q. Do you know Mr. Walsh?

A. Yes, sir.

Q. How far is your house from his?

A. My house is next to his; there is but fifty or sixty feet between the houses.

Q. State if at any time last summer you saw any number of arms being placed in any particular house in Chicago.

A. I saw an ordinary express wagon load of arms going into the corner of Ridgely place and State street, opposite to the Ulick House.

Q. What number of arms did you see?

A. There might have been 150 or 200; the express wagon was very well filled. The arms were open.

Q. What time of the day was it you saw them?

A. It was about eleven o'clock at night.

- Q. How did you happen to see them ?
 A. I was riding in the car and got off at the Ulick House, and saw them there in an express-wagon.
- Q. Did you know any person who was handling them ?
 A. No, sir.
- Q. Did you see any of them taken out ?
 A. Yes, sir.
- Q. What was that building occupied for ?
 A. I know not, further than hearsay.
- Q. Was any political organization kept in it ?
 A. It was supposed to be the Loyal League room.
- Q. Did you communicate the fact of seeing the arms there to Mr. Walsh ?
 A. I did, sir.
- Q. How soon after you saw them did you mention it to Mr. Walsh ?
 A. The next morning.
- Q. When was that ?
 A. Some time last July.
- Q. What was Mr. Walsh's reply ?
 A. He said "Never mind, Jim, we will have plenty of them."
- Q. Did he say anything else about having any other arms ?
 A. No, sir; shortly after that he told me that he had arms in his barn. I asked him what kind; he said it made no difference what kind.
- Q. Did he say what for ?
 A. No, sir, I think not.
- Q. Did you see Mr. Walsh before the election ?
 A. I did.
- Q. What transpired then in regard to the arms ?
 A. I saw him at the corner of Dearborn and Randolph streets on the 6th of November last; it was on Saturday evening. He asked me if I was going to be at the polls all day. I told him if my health permitted I would. He then asked me if I had arms. I said I had not. He then told me I had better come over to the house and get a pair of arms; that he had plenty of them, and could allow me to take a pair.
- Q. For what ?
 A. To help carry the election at the polls. He then asked me if my brother would be there; he was an old soldier, and had served in the nineteenth Illinois; he inquired if he was in town and would be there on election day. I said I did not know, but would see.
- Q. What was he to go to the election for ?
 A. The object was that we should be attacked; he stated that he thought we should not have a chance to vote unless we fought through it.
- Q. When were you subpoenaed to appear here ?
 A. The 21st of last month.
- Q. Do you know Lieutenant Fife ?
 A. Yes, sir.
- Q. Do you know where his headquarters are ?
 A. Yes, sir; I reported there, in the headquarters of Camp Douglas, near Colonel Sweet's room.
- Q. Did you at any time, just before you were subpoenaed, see Lieutenant Fife and any other officer at any particular place ?
 A. Yes, sir, I did. It was near Camp Douglas, in a saloon. This was about half past five or six o'clock in the evening, before dusk.
- Q. Had you a short time before that seen a man by the name of Ryan ?
 A. Yes, sir, I saw John Ryan.
- Q. What is his business ?

A. A kind of policeman. I saw him in the same place as I saw Lieutenant Fife and the captain.

Q. How long after you saw Ryan was it that you saw Lieutenant Fife and the captain?

A. Perhaps twenty minutes or half an hour.

Q. Do you know a man by the name of Keefe?

A. I do.

Q. What is his business?

A. I do not know.

Q. Do you know if Ryan is related to Keefe?

A. I think he is by marriage. I have known both of them for ten years.

Q. On this occasion, when you first saw Ryan, and soon afterwards Lieutenant Fife, state what occurred, and if you were arrested on that occasion.

(Question objected to by the judge advocate, as immaterial and illegitimate.)

The hour for adjournment having arrived, the commission adjourned to meet on Tuesday, March 14, 1865, at 11 o'clock a. m.

MILITARY COMMISSION, CINCINNATI, OHIO.

March 14, 1865—11 o'clock a. m.

The commission met pursuant to adjournment. Present all the members; also the judge advocate, the assistant counsel, the accused and their counsel.

The proceedings of yesterday were read and approved.

The examination of James B. Dauphin, a witness for the accused, was proceeded with as follows:

By JUDGE WILSON:

Q. State whether Lieutenant Fife and the captain whose name you mentioned in connection with John Ryan, a short time before you were subpoenaed, tried to induce you to leave the country, in order to prevent your appearance in this trial as a witness for Mr. Walsh; what means did they use to accomplish that object; were you threatened with being arrested, and whether you were arrested by Lieutenant Fife, and allowed to go upon your parole if you would report to Lieutenant Fife's quarters at Camp Douglas, if you were in the State at that time.

(Objected to by the judge advocate, on the ground of its being a leading question. Withdrawn.)

Q. Did you state that you know Mr. Ryan?

A. Yes, sir.

Q. Did Mr. Ryan, after he left you, go into Camp Douglas?

A. I do not know whether he did or not.

Q. Did you see Mr. Ryan and Lieutenant Fife together, whispering, soon after he had the interview.

(Objected to by the judge advocate, as immaterial and irrelevant. The court was cleared for deliberation. The court being reopened, the judge advocate announced that the objection was sustained.)

Q. If Mr. Ryan said anything to you upon the subject of your leaving the country, and upon the subject of your being arrested, state what it was.

(Objected to by the judge advocate, on the same ground as the former objection. The court was cleared for deliberation. The court being reopened, the judge advocate announced that the objection was sustained.)

Q. State whether any person or any officers, whose headquarters are in Camp Douglas, approached you for the purpose of inducing you to leave the country, or on the subject of your not being here as a witness. State who it was, and what they said to you upon that subject.

A. I was so approached by Lieutenant Fife, but only in connection with John Ryan. Lieutenant Fife came to me about four weeks ago, one Sunday after-

noon about six o'clock, and told me that he had an order for my arrest. I asked him to show me the order; he said it was a verbal order. He then asked me my name. I told him he ought to know my name, if he had an order for my arrest; he said he arrested me on description. I asked him if he was armed; he said he was not. I then said I did not think he could arrest me; he replied he thought he could. I took a pace backward, and he then said, if he could not, he could call some men that would. He again asked me my name. I told him Dauphin. "I know you," he replied. We then walked down within one hundred and fifty yards of Camp Douglas. We then walked over to the Cottage Grove hotel. Now, said he, "Will you report to me at my quarters in Camp Douglas to-morrow morning at ten o'clock?" I told him I would. "Well, you can go now," he replied. I then went to a saloon which is south of Camp Douglas. I had not been there long, perhaps fifteen or twenty minutes, when Lieutenant Fife and the captain came in and spoke to a man that was in the room. I had spoken to a man that was in the room, and asked him if the lieutenant and captain were going to arrest that man. He then called that man up and said, "I am through with you; you can go." We then had a glass of ale, and the captain called me outside and said, "Do not say anything about this affair," and shortly after left me, when I went home. I reported the next morning at Lieutenant Fife's quarters at ten o'clock. He was not there, but was on the prison square. I left word for him to come out to the saloon where we had met the day before. Fife came out, and said, "I want you to give me your word of honor and your hand that you will not tell this other party of what occurred last night." I told him I would not speak about it to the other party. The other party was John Ryan, and I have never spoken a word about it to him.

Q. After you had made this promise that you would not speak about it to Ryan, what more was there said between Lieutenant Fife and yourself about your arrest?

A. Nothing particular, only he said that it did not amount to anything, and not to say anything about it.

Q. State whether this third party that you spoke of, or this man Ryan that you say came in and spoke to Lieutenant Fife, and told him that was all he wanted of him, and whether just a few moments before, said anything to you upon the subject of your leaving the country or you would be arrested?

(Objected to by the judge advocate as immaterial and illegitimate.

The court was cleared for deliberation.

The court being reopened, the judge advocate announced that the objection was sustained.)

Q. At the time you speak of, when Mr. Walsh offered to furnish you arms, what did he say as to the kind of persons he would furnish arms to?

A. He asked me if I was going to be at the polls; I told him I would if my health would permit. He asked me to come to his house and get a pair of revolvers; also asked me if my brother would be in town on the day of the election. I told him he was then running an engine on the Northwestern railroad. If I could I would have him at the polls. Mr. Walsh then asked me if I knew anybody else who would carry arms and use them with discretion. I said I did not, and did not like to undertake to furnish arms to any persons.

Q. How far do you live from Mr. Walsh's house?

A. I live in the next house, about fifty or sixty feet from Mr. Walsh's.

Q. Do you know whether Mr. Walsh had any servants at the time of the convention?

A. I know he had one about July or August last, for I saw one out walking.

Cross-examination by the JUDGE ADVOCATE:

Q. You say, do you, that in this place where you saw the arms go, the Loyal League met there?

A. Yes, sir.

Q. Is there not a police station in that house?

A. Yes, sir.

Q. Do you not know that these arms were put into that police station?

A. I do not.

Q. Did you know positively what those arms were going there for?

A. No, sir.

Q. Were you ever in the Loyal League rooms?

A. No, sir.

Q. Did you ever see the Loyal League armed?

A. No, sir.

Q. Do you know of your own knowledge that that Loyal League was armed?

A. No, sir.

Q. When Lieutenant Fife came to you for the purpose of arresting you, did he know you?

A. He knew me, but did not know my name.

Q. Did not his conduct show to you that he did not know you?

A. I do not know.

Q. When you told him your name, did he not say "O yes, I know you; I know your brother;" did not that show you that he did not know you?

A. He said "O yes, I know your brother." From his conduct I should judge he did not know me. He stepped up and put his hand on my shoulder, and said he had orders to arrest me, and when I told him my name he seemed surprised, and said he knew my brother.

Q. Did not he say "I know you; I am well acquainted with your brother?"

A. He asked me my name; I told him if he had orders to arrest me he ought to know my name. When I told him my name he said "I know your brother well."

Q. Did you not testify that he said "I know you; I know your brother well?"

A. He may probably have known me.

Q. Did he not say "If you will call at my headquarters to-morrow, that will be the end of it?"

A. When he got to the hotel, he said he would let me go if I would report to his headquarters the next day. I told him I would.

Q. Had you been subpoenaed to appear as a witness in this trial at that time?

A. No, sir.

Q. When was it?

A. Not long; about five or six days afterwards, in the same week.

Q. Did you know at the time of that conversation that you were to be a witness in this case?

A. No, sir.

Re-examination by the JUDGE ADVOCATE:

Q. When was the first time you knew you were to be a witness in this case?

A. John Ryan informed me first.

Q. How long before Lieutenant Fife arrested you did you receive this information?

A. It was between twenty minutes and a half hour.

Q. State if the manner of this lieutenant at the time did or did not impress you with the idea of what Ryan had informed you.

(Objected to by the judge advocate, and withdrawn.)

Q. Was it after or before you gave him your name that he told you to report to Camp Douglas?

A. It was after I told him my name.

By the COURT :

Q. Who is this John Ryan ?

A. He is the person to whom I referred in my direct testimony.

By a MEMBER OF THE COURT :

Q. Were any threats made by any officer or employé of the United States government, to intimidate you as a witness for the defence, or any threats to prevent you obeying the summons of this court ? If so, state what they were ?

(Question objected to by a member of the court.)

The court was cleared for deliberation. On being reopened the judge advocate announced that the objection was overruled.)

A. Not directly.

By the COURT :

Q. If any threats were made indirectly, by any officer or employé of the government, state what they were.

A. My judgment would be that John Ryan was an employé of the government, but I do not know whether he was or not.

By Judge WILSON :

Q. Do you belong to any secret political organization ?

A. No, sir ; I never did.

JAMES W. JACOBS, a witness for the accused, was then introduced, and being duly sworn by the judge advocate, testified as follows :

By the accused :

Q. State your name, residence, and occupation.

A. James W. Jacobs ; my residence is Chicago, where I have lived about nine years ; I am engaged in cattle dealing.

Q. Do you know Charles Walsh ?

A. Yes, sir ; I first became acquainted with him in 1856, at the time of the election, and I have been acquainted with him since that time.

Q. Do you know his reputation in Chicago for loyalty ?

A. I do.

Q. Is it good or bad ?

A. It was good up to the time of his arrest.

Q. Did you ever hear his loyalty questioned by any man up to that time ?

A. I have heard it questioned by some few republicans, who believed that Mr. Walsh was not strictly loyal.

Q. What is his general reputation as a loyal man ?

A. It is good, sir, among men of all parties. There are some who think no man is loyal who voted the democratic ticket.

Q. To what party do you belong ?

A. To the democratic party.

Q. Do you hold any office in Chicago, or Cook county ?

A. I am supervisor.

Q. Did Charles Walsh know your political affinity ?

A. Yes, sir.

Q. Did you have any conversation with him before the election, with reference to any arms within the control of the democratic party ? If so, state what he said.

(The question was objected to by the judge advocate, as illegitimate, on the ground that if the arms were to be used for a criminal purpose it would be the object of the accused to prepare for a defence by making assertions that the arms were for some other purpose less criminal, or not criminal at all.)

The court was cleared for deliberation. On being reopened, the judge advocate announced that the objection was sustained.)

Q. State whether Mr. Walsh, at any time before the presidential election, offered you any arms; and if so, for what purpose?

A. A short time before the election Mr. Walsh told me I could get some arms of him for the purpose of keeping down a row or muss, if there was any at the polls. He said he had some pistols; I think he said he had two or three hundred pistols and guns.

Q. Did you, at that time, communicate to Walsh anything in reference to the fifth ward in the city of Chicago? Was it in relation to that communication that he offered you the arms?

A. Yes, sir.

Q. State what was in your communication that led him to offer you the arms? (The question was objected to by the judge advocate as illegitimate.

The court was cleared for deliberation. On being reopened, the judge advocate announced that the objection was sustained.)

Q. Had there, before Walsh offered you any arms in defence of the polls in the fifth ward in the city of Chicago, been any impression, made by republican leaders, that there would be an interference with the rights of democratic electors at the polls on the day of the presidential election?

A. Yes, sir.

Q. Was there before that time any general impression among the democrats in the city of Chicago, that there would be armed interference with the elective franchise at the polls?

A. Yes, sir.

Q. Are you a member of any secret society?

A. No, sir.

(No cross-examination.)

AARON HAVEN, a witness for the accused, was then introduced, and being sworn by the judge advocate, testified as follows:

By the accused:

Q. State your name and residence?

A. Aaron Haven; I live in Chicago; I have resided there since 1851.

Q. Do you know Charles Walsh?

A. Yes, sir, I have known him intimately for ten years.

Q. What party does he belong to?

A. He has acted with the democratic party.

Q. Do you belong to any secret organization?

A. No, sir.

Q. What are your politics?

A. I belong to the democratic party.

Q. Have you had frequent conversations with Mr. Walsh, during the past five years on political subjects?

A. Yes, sir; I met him almost every day when at home.

Q. What was his character for loyalty up to the time of his arrest?

A. I never heard it questioned up to the time of his arrest.

Q. How far do you live from Walsh's?

A. Thirty or thirty-five rods.

Q. Do you remember the night of the arrest of Mr. Walsh?

A. I do.

Q. Will you state whether or not, on that occasion, the military first came to your house?

A. I do not know. The door-bell rang some time in the night, and I went down to the door. A gentleman stood there with a lantern, and I observed another at the front gate. I went back immediately after answering his question, where Charles Walsh lived.

Q. Could a person who has never been to your house and that of Mr. Walsh describe them so that a person could easily find them?

A. The houses are painted brown, and Mr. Walsh's house is constructed differently from any of the neighboring ones.

Q. Previous to the convention in Chicago and previous to the election, were there fears entertained among the democratic party that there would be an attempt to prevent the holding of that convention, and to prevent a fair election at the polls?

A. There had been a great deal of talk about this among the democrats, and it was suggested that there might be some interference on the part of some of the military or Union leaguers, or somebody else who belonged to the republican party; that they might attempt to interfere with the convention and also with the election.

By ROBERT HERVEY, esq.:

Q. How long have you known Judge Morris?

A. Since August, 1851.

Q. Have you known him to be in any public position?

A. Yes, sir; I knew him when he was elected to the circuit court of Fort Wayne.

Q. What is his general reputation as a man of humane and kind disposition?

A. I think he has a first-class reputation for being humane and kind-hearted.

Q. What is his reputation among the community for loyalty and fidelity to the government of the United States?

A. I never heard it questioned by any man up to the time of his arrest.

Q. Have you heard the judge make speeches?

A. Frequently.

Q. What is the characteristic of the judge's mode of address?

A. He is a very enthusiastic speaker; a man who is very out-spoken—as we say, plain-hearted—and seems to express his opinion whether it will make for or against him in the public estimation.

Cross-examination by the JUDGE ADVOCATE:

Q. Does the judge generally say what he thinks?

A. Yes, sir.

Q. Was the loyalty of Mr. Walsh a subject of discussion in your experience?

A. I never heard it discussed. I do not know that I ever heard it spoken of one way or the other.

Q. Does that also apply to Judge Morris?

A. Yes, sir; I never heard their loyalty questioned. I do not know that I ever heard the subject mentioned.

By Judge WILSON:

Q. Do you remember, late in the summer, whether or not it was discussed about the removal of Camp Douglas from that place?

A. We felt a great deal of interest in the neighborhood of the camp to have it removed, and our neighbors, from what was said in the papers, and it was said the camp was to be removed out on the ridge—it was a matter of talk generally among our neighbors; it was discussed last spring.

Q. Had not the idea of removing it exploded some time before that?

A. When I saw the improvements made at Camp Douglas, which were made in the latter part of the summer of 1864, I despaired of seeing it removed. I heard this rumor at the time, when it was discussed that they were going to the ridge.

Q. Had not this idea exploded before the convention sat?

A. It is my impression that those improvements at the camp had partially commenced before that time.

By the COURT:

Q. Did you know Walsh had those arms at his house?

A. No, sir.

LAURIN P. HILLIARD, a witness for the accused, was then introduced, and being duly sworn by the judge advocate, testified as follows :

By the accused :

Q. State your name and residence.

A. Laurin P. Hilliard. I reside in Chicago.

Q. How long have you resided in Chicago ?

A. Since 1836.

Q. What is your present official position ?

A. Clerk of the county court of Cook county, which I shall have filled four years in November next.

Q. How long have you known Judge Morris ?

A. I think I have known him for from twenty-five to twenty-eight years.

Q. What is his general reputation in the community as a man of humane and kind disposition ?

A. It is good to a fault.

Q. Do you know whether or not Judge Morris is the possessor of considerable property in Chicago ?

A. Judge Morris and myself were the owners of the Masonic Temple, worth from seventy to eighty thousand dollars, perhaps. I think he owns the one-half of eight acres on South Branch, which is said to be very valuable ; I think it has an entire river front. I think he owns the house in which he lives ; that is worth, perhaps, twenty-five thousand dollars.

Q. What should you consider Judge Morris worth in November last ?

A. I should think he was worth one hundred thousand dollars or more.

Cross-examination by the JUDGE ADVOCATE :

Q. What property, of your own knowledge, did Judge Morris own in November last ?

A. The house and lot in which he lives I know he owned. I know he was interested in a coal mine, and the judge very kindly offered to mortgage his house and lot to raise money. He mortgaged it for \$11,000.

Q. Do you know he owned the Masonic lot in November ?

A. We closed up the sale the third day before the election. The sale dated from the first of February, 1864, but we could not get our pay and could not get the proper conveyance until a few days before the election. Our lien on that property was concluded on the third day of November. I got my money and I suppose the judge got his. We had to have the property sold and buy it in in order to secure the property to ourselves. The amount, \$68,000, was the purchase price, of which Judge Morris would get one-half. There was a mortgage of \$20,000, which had to be again taken up, and there would be \$24,000 each, with interest coming to each.

Q. Do you know whether he owned the corner of State and Madison in November ?

A. I do not know ; he was the reputed owner. He was the owner to my knowledge a year ago. I heard he had to sell that property, but I do not know it of my own knowledge. The wharf property is considered to be very valuable, and did not require any improvements excepting the dock. It is worth a great deal of money.

JOSEPH TEHON, a witness for the defence, being duly sworn by the judge advocate, testified as follows :

By the accused :

Q. Please state to the court your name and residence

A. Joseph Tehon. I reside in Chicago, Illinois.

Q. Are you acquainted with the accused, Charles Walsh ?

A. Yes, sir.

Q. Are you a brother-in-law to Charles Walsh, and an uncle of the young ladies who have testified in this case?

A. Yes, sir.

Q. Who introduced the men known as Cantrill and Travis into the house of Mr. Walsh?

A. I did.

Q. Do you know how long before the arrest of Mr. Walsh?

A. I introduced them probably a week or two before the arrest. It was one afternoon; I had made an arrangement with them to visit Douglas's grave, and as I was so near I went to Mr. Walsh's house. One of the young ladies came to the door, I think it was Mary, and I introduced them to her. Mrs. Walsh, my sister, was sick at the time.

Q. Did you know the character of these men at the time?

A. I did not; I was introduced to them by Mr. Daniels, a clerk of the cigar store in the Sherman House.

Q. Do you know of any other visit they made?

A. Yes, sir; on the Sunday afternoon previous to the election I was on my way out there and met Mr. Yonook; I went down to Randolph street and was waiting for a car. While waiting I fell into conversation with Mr. Leech, superintendent of the cars; after I got through talking with him, Travis came up and touched me on the shoulder; I had made previous arrangements to go with him to north side to see some ladies. He wanted to know if I was going over with them. I said I was going to Cottage Grove, and asked them if they would go with me. They said they would, and went with me. It was probably three or four o'clock in the afternoon. I introduced them at Mr. Walsh's house as friends of mine. I was not intimately acquainted with them. I had, I believe, once played billiards with them. There was Miss Mary and Maggie Walsh, and my young sister, Lizzie Tehon, who is now in Chicago, at the school of the Sacred Heart. There was no person there when I introduced them; afterwards Mr. Campbell and Mr. Galloway came in.

Q. Had Travis and Cantrill, to your knowledge, been in Mr. Walsh's house, except on that occasion?

A. No, sir.

Q. Were they received by any members of the family as strangers?

A. Yes, sir; Mary or Maggie, I forget which, shook hands with them.

Q. How long did you remain with them in the house?

A. All the afternoon, until evening.

Q. Where was Mr. Walsh at that time?

A. I think he was up stairs. My sister, Mrs. Walsh, was up stairs. At tea-time we went out to the dining-room and Mr. Walsh came down, when one of the young ladies introduced Cantrill and Travis to Mr. Walsh. After tea we retired to the sitting-room, and Mr. Walsh sent one of the children and said that he wanted me in the dining-room. He said there was a meeting down town, and he wanted me to go. I said that these young men wanted me to go to north side. Mr. Walsh said I must ask them to put it off until some other evening. I went back and excused myself and went down with Mr. Walsh, saying that I would return in an hour or two. I did not return, and they were arrested in the night.

Q. Up to the time of their arrest, had you any idea that they were rebel officers?

A. No, sir; I understood from Travis that he was an agent for a tobacco-drying machine.

By the COURT:

Q. Did you know that those arms were in Mr. Walsh's house?

A. Yes, sir.

JABEZ HAYWARD, a witness for the accused, was then introduced, and being duly sworn by the judge advocate, testified as follows:

By the accused:

Q. State your name, residence, and occupation.

A. Jabez Hayward; my residence is Chicago; I am employed in the post office in Chicago.

Q. How long have you resided in Chicago?

A. Ten years next month.

Q. How long were you employed in the post office in Chicago?

A. Between five and six years.

Q. Do you know a person in Chicago known as Dr. J. Winslow Ayer?

A. Yes, sir.

Q. Did you ever go with him, on any occasion, over to the north side of the river for the purpose of having an interview with Isaac N. Arnold, a member of Congress?

A. Yes, sir.

Q. How long ago was that?

A. I think it was in July or August last.

Q. Do you remember about the time of the arrest of the prisoners?

A. Yes, sir.

Q. Did you, after the arrest of the prisoners, have a conversation with reference to the amount of money that he charged the government in this case for his services as detective?

A. Yes, sir; he told me that he should make out a bill for \$5,000.

Q. When was this?

A. He told me he had received a letter from General Hooker, asking him to make out his bill, and he asked me what his bill should be.

Q. When was that?

A. I think it was in January last.

Q. Do you say he said in that conversation that he should make out his bill for \$5,000 for the services he had rendered?

A. Yes, sir.

Q. Did he say what those services were?

A. No, sir, he did not.

Q. Did he say what that bill was for?

A. For services rendered.

Q. Did he say anything about being a detective for the government?

A. He said he had been a detective for the government; that he had been so employed?

Q. At what rate?

A. He did not specify.

Q. How did he come to speak about this?

A. Dr. Ayer and I were very intimate.

Q. When did you first tell about this matter?

A. I told Gilbert Smith, in Chicago. He is a high Mason; I told him as a Mason.

Q. Who else?

A. I told Judge Wilson.

Q. Did you consider you were performing the duty of a friend in informing of the conversation of Dr. Ayer?

A. I have sat in a lodge with Judge Wilson; I have also sat in a lodge with Dr. Ayer.

Q. Did he impart this information to you as a Mason?

A. Not in regard to the \$5,000—simply as a friend.

Q. Did the conversation begin in the first place as between Masons?

A. Yes, sir.

Q. At what point in the conversation did it stop being as between Masons and enter upon the province of mere friendship?

A. I do not know, sir.

Q. How do you know this part in reference to the \$5,000? Was it not imparted as a Mason?

A. He did not put me on my pledge as a Mason. It was not in the same conversation. I know when he spoke to me about the letter he had received from General Hooker, he asked me what bill he should render. I said I did not know. I know when he called to see Governor Yates at Springfield, and I thought it would not cost him less than \$50, and I thought it would be about \$100, and when he said he should charge \$5,000, I thought it pretty steep.

By the COURT:

Q. What is your occupation?

A. Since the war I have been trading in the southern States. I have got permits and have traded mostly in Memphis and that country.

Q. Have you had permits from the authorities?

A. Yes, sir; I got permits from the commander of the post and sold products for money.

Q. Have you ever been outside the lines?

A. Yes, sir; but not for the purposes of trading; I have been engaged in that for two or three years.

By Judge WILSON:

Q. Was it in consequence of what Dr. Ayer had testified to in reference to his Masonic emblem, and in respect to the Masons he , that you repeated what he had said to you?

A. I did not read his testimony.

The commission then adjourned to meet on Wednesday, March 15, at 11 o'clock a. m.

MILITARY COMMISSION, CINCINNATI, OHIO,
March 15, 1865—11 o'clock a. m.

The commission met pursuant to adjournment. Present, all the members; also the judge advocate and assistant counsel, the accused and their counsel.

The proceedings of yesterday were read and approved.

The judge advocate announced to the commission and the accused that Colonel Spooner had received leave of absence for a few days for the purpose of going to Washington city, asking the accused if they had any objection to his being absent from the commission; they all and severally replying that they had not, and that Colonel Spooner would be allowed to resume his seat upon the commission, after having read the testimony which should have been taken during his absence.

JOHN PHELPS, a witness for the defence, was then introduced, and being duly sworn by the judge advocate, testified as follows:

By the accused:

Q. Please state to the court your name and place of residence.

A. John Phelps; I reside in Ogle county, Illinois; I have recently been a merchant; I am at present on my farm.

Q. Did you ever reside in Austin, Texas?

A. I did, sir; I moved to Austin in the fall of 1857.

Q. Did you know John T. Shanks?

A. Partially; I had no particular acquaintance with him.

H. Ex. Doc. 50—27



Q. Did you ever know of his having been arrested there? If so, what for?
(Objected to by the judge advocate. Objection withdrawn.)

A. In the summer of 1859 I was absent; during that time John T. Shanks was arrested. I had been in Illinois and in New York, and when I returned I understood from my friends in the city that he had been arrested.

(The judge advocate objected to this class of testimony.)

Q. Where was John T. Shanks at that time?

A. He was in prison, as I understood.

JUDGE ADVOCATE. I object to hearsay testimony.

Q. State, if you know, the reputation and estimation in which John T. Shanks was held in the city of Austin.

A. His reputation was very bad.

By Judge WILSON:

Q. Do you know any other person in Austin named John T. Shanks?

A. I do not, sir.

Q. Do you know what his occupation had been?

A. He was a clerk in the land office, so I understood, but I never saw him in the performance of his duties as such.

Cross-examination by the JUDGE ADVOCATE:

Q. When did you first become acquainted with John T. Shanks?

A. It was between the fall of 1858 and 1861.

Q. When did you first see him?

A. I first saw him to know him in my store; I had no particular acquaintance with him.

Q. Where did you first meet him?

A. I believe, as far as I can recollect him I first met him in my store.

Q. What kind of store was your store?

A. It was a dry goods store.

Q. What was he doing there?

A. I do not know; he may have had some business to transact.

Q. Were you introduced to him?

A. I may have been; I do not recollect?

Q. When did this happen?

A. Perhaps in 1858; I cannot tell the particular time.

Q. Was it in 1856?

A. No, sir; it might have been in 1857-'58 or '59.

Q. You recollect Shanks coming into your store, but you do not recollect the year?

A. I do not.

Q. How is it that you do not recollect the year, and yet you can remember the name?

A. Because I cannot keep the records of the year in my head.

Q. Can you recollect one circumstance better than you can recollect a whole year?

A. I do not know, but I recollect well of seeing Shanks there.

Q. What kind of a looking man was he?

A. I do not know; I think he was rather a spare man, of a light complexion.

Q. How tall was he?

A. I paid no particular attention; perhaps he was medium sized. I cannot recollect the color of his hair or eyes.

Q. Did you ever see him since?

A. I do not recollect of having seen him since.

Q. Who did you first hear speaking about him?

A. I cannot tell you; for there were so many.

Q. What year was it when you came back?

A. It was either 1859 or 1856.

Q. Had you heard anything said against him before that arrest?

A. No, sir; I never heard anything for or against him.

Q. Who did you hear speak against him?

A. I do not recollect particularly; it was people who came in my store. I cannot tell you of a single name.

Q. What did they say about him?

A. They all concluded that he was guilty of forgery.

Q. Was that all they said about him?

A. I think so; I recollect of nothing else.

Q. How then do you state that his reputation was bad?

A. I heard it by hearsay.

Q. Did you not state that you never heard anything charged against him only that he was guilty of forgery?

A. I did not hear anything else against him. I never heard anybody say anything about his truth and veracity.

Q. What did they say when they spoke about this forgery?

A. The general conversation was that he had been forging a land warrant, I think.

Re-examination by E. J. ASAY, esq.:

Q. Did they say anything in reference to his arrest?

A. Yes, sir.

Q. Did they say what had been done with him?

A. He was there in jail in the city of Austin.

Q. Did you hear anything of the State legislature offering a reward for his arrest?

(Objected to by the judge advocate.

The court was cleared for deliberation.

The court being reopened, the judge advocate announced that the objection was sustained.)

Q. Did you know of any appropriation having been made by the State of Texas to pay the expenses of the arrest of John T. Shanks?

A. I do not.

Q. Was there by act of legislature any such appropriation?

A. I understood that there was, but I never examined the records, and I was somewhat interested in it, for the man who arrested him was largely indebted to us.

By the COURT:

Q. When did you leave Oregon county, Illinois, to go to Texas?

A. I left in 1857.

Q. What were you doing in 1852-'53?

A. I was in business at Oregon, and Peoria, and several other points.

Q. How long were you in business in Illinois?

A. My son and son-in-law were in business at Peoria and other points sixteen or seventeen years.

JOSEPH TEHON, a witness for the defence, was then introduced, and being duly sworn by the judge advocate, testified as follows:

By the accused:

Q. Please state to the court your name and place of residence.

A. John Teahon; I reside in Chicago, Illinois.

Q. How long have you resided there?

A. For sixteen years.

Q. What has been your business for the last six or eight years?

A. For the last four years I have been engaged in the transfer of mails from

the Central depot; for the four years previous I was engaged in the baggage department.

Q. Is Mr. Walsh your brother-in-law?

A. Yes, sir, and Mrs. Walsh, his wife, is my sister.

Q. Have you ever belonged to any secret political organization?

A. No, sir; I have never belonged to any secret organization.

Q. Have you ever taken any active part in politics?

A. No, sir.

Q. Do you remember the time of the Chicago convention?

A. Yes, sir.

Q. Where were you on the first day of that convention, the 29th of August, 1864?

A. I was at home. We were breaking up housekeeping, as my mother had just died a few days previous.

Q. Do you know where Mrs. Walsh, your sister, was on the afternoon of the Sunday before that?

A. She was at Father O'Dowd's funeral. I went to the house to have her come over, as we had concluded to distribute what belonged to mother among the family. On arriving there I learned she was gone to the funeral.

Q. Where did you see her that Sunday?

A. At our house.

Q. Where did she stay that night?

A. At our house.

Q. Where was she on Monday?

A. With the exception of a few hours, during which time she was at the Sacred Heart school, she was at our house.

Q. How late on Monday evening was she there?

A. Until ten o'clock.

Q. Who went home with her?

A. I requested my younger brother William, who is about eighteen, to go with her, and he went.

Q. Did he come back that night?

A. I do not believe he did.

Q. How far is it from your house to your sister's house?

A. It is about four miles.

Q. Which way do you go to get there?

A. You go over Madison to State street, and take the cars at the corner of Madison.

Q. How far is it from your house to State street, where you get on the cars?

A. I think it is about twelve blocks.

Q. How far is it from the next side of the river?

A. I think it is about two miles.

Q. How long does it take to go from your house to Mrs. Walsh's?

A. It takes from where you get on the cars fifty minutes.

Q. How long does it take to go to State street, and from there to Mrs. Walsh's?

A. It must take about one hour and a half.

Q. Do you remember or know anything of Mr. Walsh being in the Mexican war?

A. Yes, sir.

Q. How long was he in that war?

A. I was but a boy when he left Canada; he left his wife and children there, and I think he was gone two years, but before he returned his wife removed to Utica, New York.

Q. Did you ever see a man called Dr. I. Winslow Ayer?

A. Yes, sir; I have met him.

Q. Where did you first meet him ?

A. I met him about nine o'clock or after on the night after the arrest of my brother-in-law ; I met him in the Central depot.

Q. Was there any person with him ?

A. There was a gentleman there whom I think he knew, for he went and spoke to him, and walked up and down with him.

Q. Was this the first time you saw Dr. Ayer ?

A. Yes, sir.

Q. Did you know who he was ?

A. No, sir.

Q. Did you ask him who he was ?

A. I did ; he told me it was immaterial to him who he was.

Q. Did he say anything to you on the subject of releasing Walsh or others from Camp Douglas ? If so, relate what it was.

A. When he came up to me I was feeling kind of sad that day. This gentleman came up and tapped me on the shoulder, and he says : " You are a brother-in-law of Mr. Walsh." I told him I was. He said he was a friend of Charlie Walsh ; that he knew me well. I asked him his name ; he said " It is immaterial ; I want to know what can be done, and what you are going to do for Charlie Walsh." I said I was somewhat at a loss myself ; that we would have to depend upon the law. He said it was not a particle of good ; that he had been driven out of Kentucky, and he told me he had another plan laid, and that was to release them by a force of two hundred men. I told him that I should have nothing to do with them ; that if he was to be released I should go into it honorably ; but he continued, and said something about the weakness of the south gate at Camp Douglas, and I told him I did not wish to hear it. He said I was not the right person, and then he went to this man with a cap on, and spoke to him, and then he came back and said that gentleman has been driven out from some part of the south, and he said the negro is going to drive us out, and he wanted to see what the democratic party was going to do, and he wished me to see some leading democrats to see what they were going to do. He mentioned the names of Mr. McComas and Mr. Hays, and he wished me to go and see those gentlemen, and he desired me to say that there is a friend of theirs who wishes to see them privately, and to meet him in some room where they could converse upon the matter of helping Charles Walsh. He told me if I succeeded I must take a stick of wood and place it on the platform ; I said wood was often dropped off the cars, and that I would prefer making a mark with a piece of chalk, and that would be a signal that I had an interview with them. I saw Mr. McComas next day ; he said he had been bothered too much already with government detectives, and he did not know whether I was a brother-in-law of Charlie Walsh or not. I, however, made a chalk-mark. He said that man with the cape was willing to sacrifice his life to save Charlie Walsh.

Q. What kind of persons were they that he had ready ?

A. He said he had two hundred Irishmen to effect his release.

Q. How did he propose to do this ?

A. He began to tell me something about the south gate, but I would not listen to him ; he said he wanted to make an attack on the south gate.

Q. Was it to be by moral suasion ?

A. I understood from what he said it was to be by force.

Q. Did you communicate this occurrence, that took place in the depot, to any person soon after it occurred ?

A. Yes, sir.

Q. Did you at that time know the person that saw you there ?

A. I did not.

Q. When did you next see him ?

A. In his office.

Q. When was that?

A. Just after this trial began, when I recognized him as the same person. He made mention that he wished to speak to me. Mr. Asay's clerk was with me.

Cross-examination by the JUDGE ADVOCATE :

Q. Did you at that interview advert to the fact that you had an interview with him before?

A. He spoke of it himself.

Q. Did you know at the time whether he was a friend to the order, or whether he was in the scheme?

A. I did not.

Q. Did you surmise whether or not he was trying to find out whether you were in the scheme or not?

A. It did not occur to me.

Q. Did it not occur to you that he was trying to find out whether you were one of the party that were going to release Walsh?

A. That might have entered my mind.

Q. Did he ask you if you were in the plan?

A. No, sir.

Q. You did distrust him, however, so far as not to give him your confidence?

A. Yes, sir.

Q. Then you had nothing further to do with him after seeing McComas?

A. Yes, sir; and my conversation with McComas confirmed my distrust.

Q. Had you heard of that plan of the intended rescue before that?

A. Never, sir, except through the papers. When I had the interview with Dr. Ayer it was on the Monday evening.

Q. Did you know there was some talk about the intended release?

A. I had seen it in the paper.

Q. Had you any conversation about this?

A. No, sir, not till I had with Judge Wilson about the rescue.

Q. Had you seen any of your friends that day?

A. My friends kept aloof from me. I had conversations about the arrest, and they asked me what I thought of it?

Q. Did they ask what you were going to do?

A. No, sir.

Q. Was your contemplated action discussed at all?

A. No, sir; only what I said to Dr. Ayer, that I should try to see him honorably defended.

Q. Did you during that day discuss any measures to be taken for the release of Mr. Walsh and the other prisoners?

A. I did not.

Q. How many companies was Mr. Walsh interested in raising in the regiment?

A. I think he was the chairman for the raising of the regiment, and he raised two companies of his own.

Q. Do you remember that Mr. Walsh was in the Mexican war?

A. Yes, sir.

Q. Do you know that Jeff. Davis was in the Mexican war?

A. Yes, sir.

Q. Do you know that Bragg was?

A. Yes, sir.

Q. Do you know that Beauregard was?

A. I do not know personally anybody that was in the Mexican war.

Q. Were you in the army?

A. No, sir.

Q. Do you know anything of Mr. Walsh being in the Mexican war?

A. I saw letters from him. I think if my brother-in-law was in the war I should know it. I know it from what was written, and what others said.

By Judge WILLIAMS :

Q. Had you heard from any source, or talk with any human being, after the arrest of Mr. Walsh, until the time Dr. Ayer came there to you, or at any other time, with reference to the forcible release of Mr. Walsh ?

A. No, sir, I did not, till Dr. Ayer spoke to me. I knew nothing except what I saw in the newspapers.

Q. In what paper did you see his release referred to ?

A. I saw it in the Chicago Tribune.

MAURICE S. DAVIS, a witness for the defence, being recalled, testified as follows :

By the accused :

(A photograph was shown to the witness.)

Please look at that picture.

(The witness looked at the photograph.)

Q. Have you ever seen the original of that likeness ?

A. I have, sir.

Q. Who was it ?

A. John T. Shanks, the man whom I spoke of when I was sworn. The only difference between his looks there and when I last saw him was, that he had a goatee. I ought to know, for I slept with him.

Photograph put in evidence, marked P P, hereto attached, and made part of this record.

Cross-examination by the JUDGE ADVOCATE :

Q. When was that ?

A. I think it was in 1859. I was with him in November and in December of 1859. I was convicted in December, 1859. I took an appeal, and I was advised by my friends that if I did not withdraw my appeal I should be killed.

Q. When did you first see Shanks in prison ?

A. He was in prison when I went there. I have a memorandum at home to which I could refer. The trial, I think, was in December, 1859. It was in January, 1860, that I went to the State prison, and in the December court that I abandoned my appeal.

Q. When did you meet Shanks in the jail ?

A. I met him in the jail in Austin, Texas, in the latter part of 1859. It was preceding my trial.

Q. What time was Colonel Sublett killed ?

A. I think it was either the second week of September or October of 1859.

Q. How long did you remain in prison together ?

A. It was probably eight or ten days. I was altogether about four weeks with Shanks. The last time I saw him was when I left the jail to go to the State prison ; that was in 1860, and I have not seen him since.

Re-examination by the Judge WATSON :

Q. Did Shanks chew tobacco ?

A. Yes, sir ; he chewed and smoked.

Q. Did you find Shanks at prison ?

A. Yes, sir, and left him there.

Q. Have prisoners the chance of selecting their bed-fellows ?

A. No, sir.

PATRICK DOOLEY, a witness for the accused, was then introduced, and having been duly sworn by the judge advocate, testified as follows :

By the accused :

Q. State your name, residence, and occupation.

A. Patrick Dooley ; I reside in Chicago ; I am a baker.

Q. Did you ever belong to the Illini or Sons of Liberty ?

A. I did.

Q. Did you hold any official position in that order ? and if so, what was it ?

A. It was secretary.

Q. When did you become a member ?

A. It was in the September or October of 1863.

Q. Will you state whether or not in the order of Sons of Liberty you ever met Judge Morris ?

A. I did, sir.

Q. Did you ever hear Judge Morris address the order ?

A. I did.

Q. Were you pretty regular in your attendance ?

A. Yes, sir.

Q. When were you elected to the office of secretary ?

A. On the 22d of August, 1864.

Q. Before that, had you held any official position in the order ?

A. I had only been a member.

Q. Do you know how many there were in the order in Chicago ?

A. About two hundred and fifty members.

Q. Have you heard Judge Morris address meetings in the order ?

A. Yes, sir.

Q. Were you a pretty regular attendant ?

A. I attended the order until about six weeks before the election. In those five or six weeks I was only present two or three times. I must have served a term of six months before I was elected in August.

Q. How frequently have you heard Judge Morris address the organization ?

A. I have heard him half a dozen times.

Q. Did you ever hear him in any speech make any reference or allusion to the rebel prisoners at Camp Douglas, or to their forcible release ?

A. No, sir.

Q. Do you know of any such project being entertained by the order of Sons of Liberty ?

A. No, sir.

Q. Was any such project entertained by them to your knowledge ?

A. No, sir, there was not.

Q. Were you present when Judge Morris made a speech giving information in relation to the objects and purposes of the order ?

A. I was.

Q. Can you fix the date of that speech ?

A. It was after the nomination of General McClellan, but before the election.

Q. How did that speech come to be made, and who spoke before Judge Morris, and was anything said after he made his speech ?

A. Dr. Ayer spoke before Judge Morris. He said he had joined the order under different representations, and if the representations of some were correct, he then gave notice that he would sever his connection with the society ; but before taking that step he would wish to hear from some better authority than that which he had heard, and Judge Morris was called to make a speech.

Q. Did Judge Morris on that occasion make a speech ?

A. Yes, sir.

Q. State the substance of what he said on that occasion.

A. He said the object of the order was to obey the Constitution and the laws enacted under it, to enable us to defend ourselves against attacks or onslaughts of an armed band known as Union League's, in case they should interfere with us at the polls, and, in connection with that he said it was our duty, as democrats, to aid in the election of George B. McClellan as President of the United States. At that point I interrupted him, and asked him if he indorsed General

McClellan. He said he did then; he did not before; he had made speeches against him and talked against him, but seeing that the convention had nominated him so unanimously he would go with the democrats.

Q. Did he, in the course of these remarks, say anything on the subject of the rebel prisoners at Camp Douglas or their forcible release?

A. Not a word.

Q. What took place after he concluded?

A. Dr. Ayer stood up again and said that these objects he could ever indorse, and that all true lovers of the country could indorse it. He said he did not ask for information so much for himself as for those who might entertain false impressions as he did. He said he was very proud to belong to such an organization, and that Judge Morris's speech would put the matter at rest.

Q. Did anybody else, just before Judge Morris's speech, make any remarks?

A. Yes, sir; but I do not recollect who; there was some one.

Q. Have you heard Judge Morris make speeches on other occasions both before and after that?

A. I do not know that I heard him after this; the speeches I heard him make were before this.

Q. Do you know Mr. Doolittle?

A. Yes, sir.

Q. Do you know where he is now?

A. No, sir.

Q. What was the character of Doolittle's speeches, and how were they received?

A. With displeasure. He would ramble from one subject to another; he spoke frequently, on almost every occasion he was present.

Q. Do you know of the order taking any action upon any suggestion that Doolittle made?

A. I do not.

Q. Do you recollect seeing Judge Morris in the meeting after the speech you speak of?

A. I do not recollect having seen him after that.

Q. Do you know Dr. Ayer?

A. Yes, sir.

Q. Have you heard him address the meetings of the Sons of Liberty?

A. Yes, sir; several times.

Q. What was the character of the doctor's oratory?

A. He complained of the hard treatment he received, and the treatment others had received in Kentucky. I understood it was the administration party who had ill-treated him.

Q. Did he make speeches in opposition to the administration?

A. Yes, sir; he was a violent talker.

Q. Do you know a member of the order named Robert Alexander?

A. Yes, sir; I have met him and have heard him make remarks.

Q. What was the characteristic of his style of address?

A. He always dealt severely with the administration.

Q. Who, in the order during the time you were a member of it, were the most violent speakers and vehement in their remarks against the administration?

A. Mr. Strawn I think was the most violent. Doolittle was a vehement speaker, but his speeches were not pointed. He would begin upon one subject and then scatter. Alexander was a violent talker; so was Dr. Ayer.

Q. Do you say you never heard of any such enterprise as his interference with the rebel prisoners in Camp Douglas?

A. There never was anything of the kind.

Q. Do you remember any of Judge Morris's speeches, in which he did not advocate obedience to the laws and respect to the Constitution of the United States?

A. I never heard him make a speech in which he did not caution the members of the order to that effect. I have heard him say that the President usurped powers not delegated to him.

Q. Did he specify in what respect?

A. The suspension of the writ of habeas corpus.

Q. Did he say anything about rebel arrests?

A. Yes, sir.

Q. Did he say anything about freedom of election in certain States?

A. Yes, sir.

Q. But while making those remarks, did he counsel the members of the order to observe the Constitution and obey the laws?

A. Yes, sir; he did.

Q. Were you ever advised by anybody, and if so, by whom, about the time or after the arrest of Judge Morris and Mr. Walsh, to go out of the city?

A. Yes, sir.

Q. State what was said.

A. Dr. Ayer advised me.

Q. What did he say to you, and where?

A. It was in his office, on the 15th of November.

Q. What did Dr. Ayer say to you?

A. He told me that we should all be arrested, and told me that I had better get away, and get away that night; that Canada was the safest place for me. I told him I had nothing to fear, and that if I left it would lead to suspicion. He said he knew that, but to remain would entail a great deal of trouble upon me, as a witness, and probably I would have to defend myself. This was the 15th of November, the night I was arrested.

Q. How long was it after your conversation with Dr. Ayer that you were arrested?

A. Half an hour.

Q. Where were you arrested?

A. In my room, at home; just as I went home and closed the door, a person knocked at the door and arrested me.

Q. Were you in prison some time?

A. Yes, sir; I was brought down here with the other prisoners, and was to be confined until the transaction on the part of the government was closed; then I was released. Ayer told me that I would be arrested that night, or in the morning, and I said I would wait till next morning to see what was wanted of me. I was taken to Camp Douglas that night, and kept there till I came to Cincinnati, and kept there until the testimony on the part of the government. I was then released from close confinement.

Q. What was the state of the health of your family at the time of your arrest?

A. I was ill, and my family were sick.

Q. During your connection with the Sons of Liberty, from September, 1863, till you ceased to have connection with it, did you ever see Grenfel in that body?

A. Never, sir.

By E. G. ASAY, esq.:

Q. Who was the brigadier general of this order?

A. C. C. Strawn.

Q. Was Charles Walsh ever a brigadier general?

A. No, sir.

Q. But Strawn, you say, was?

A. Strawn told me, when we elected him, that he had got his commission.

Q. Do you know of any money being raised by the democrats in Chicago to buy arms to protect the democratic party?

A. Yes, sir.

Q. About what time did they commence raising it?

A. About the 1st of April, 1864.

Q. How long did they continue raising money, from time to time?

A. I do not know any end to the subscription.

Q. Did you raise a portion of that money?

A. I did, sir; but my collections were nearly all from the order.

Q. How much did you raise?

A. I did not collect much.

Q. Was any arrangement made to vacate the hall immediately after the election?

A. That was the general understanding.

Q. Did you not, immediately after the election, meet to carry out that understanding?

A. We met for that purpose.

Q. At that meeting, did not Dr. Ayer propose to put off the giving up the hall, and go over to his office?

A. Dr. Ayer asked me to postpone giving it up, and go to his office, where there would be perfect quietness, and where we could meet at any time. I did not give up the hall, for I was arrested the next night.

Q. Do you say you were not discharged till after the prosecution had finished their case?

A. I was discharged on the morning on which I learned the prosecution had finished their case.

Q. At the time you were discharged, were you not directed not to converse with the defendants, or their lawyers, in reference to their cases?

A. Yes, sir.

Q. Did I send for you to come to my office and tell me what you knew?

A. No, sir.

Q. Was there anything said about you not talking to counsel or defendants?

A. No, sir; it was a general caution not to talk with any person. I asked Colonel Jackson if there was any obligation to be placed upon me, and he said that I was not to talk with any person upon these cases.

Q. Have you obeyed that injunction?

A. Yes, sir; Colonel Jackson said if any person began to speak to me about it, I was to say that I was under an obligation not to take any part.

Q. Did Dr. Ayer ever say anything to you about procuring the release of the accused from Camp Douglas?

A. I recollect one thing he said. I think on the night on which he invited us to his office, he asked us to suggest some plan for the release of Walsh and the other prisoners, and some of the gentlemen proposed to apply for a writ of *habeas corpus*, but Dr. Ayer said that could not be obtained without an interview with the President; and he proposed that twenty-five good, reliable men, well armed and mounted, should go a distance in the country, to some station on the railroad, and there release the prisoners on their passage to Cincinnati, (for he had no doubt they would be sent to Cincinnati;) and, as he had three horses, he would give the best, which was worth \$500, for the enterprise. I rebuked the idea, and others in the room did the same. I do not remember whether he said he would take part in it or not, but he said he would give his best horse.

Q. Did Doolittle go to Washington during the time that he was connected with the order?

A. I heard him say so.

Q. What was the impression in the order of the character of this man Doolittle, towards the end of the electioneering campaign?

(Question objected to by the judge advocate, and withdrawn.)

Q. Did he state to any person that he was in the employ of any one as a detective?

A. He said he was a detective, but did not say in whose employ he was.

Cross-examination by the JUDGE ADVOCATE :

Q. Did I understand you to say that all of Doolittle's speeches were about of the same strain?

A. Generally.

Q. Were they mild and pacific in their character, or boisterous and extravagant?

A. Boisterous and extravagant. I remember once noticing him cry in one of his speeches. I think I saw the tears run down his cheeks as he was depicting the sufferings of his country. He said he had suffered more mentally and physically than he could express.

Q. Was that when he was talking against the government?

A. I think not, sir.

Q. What were the injuries which induced him to cry?

A. He was talking about the war, and the great amount of blood that had been spilled, when he thought it could all be prevented by resorting to the Crittenden compromise.

Q. Was he speaking for or against the war?

A. It was against the war.

Q. Was he prescribing remedies for the evils he complained of?

A. No, sir; but he frequently prescribed remedies, though I do not recollect what they were.

Q. Do you remember anything about an uprising of the people against the encroachments complained of?

A. I remember once he made a violent speech, and there was a very general manifestation of displeasure at his speech. After the adjournment some of the members came to me, and on my complaining of his violent language, they said, Don't you know Doolittle is insane on this point? I replied he acts as though he was insane, and they said it is so.

Q. Did he ever suggest an uprising of the people?

A. I do not recollect that he did.

Q. Did he ever speak of the release of the prisoners at Camp Douglas in any of his speeches?

A. I do not recollect that he did.

Q. Do you remember his saying that the people would not stand the oppression of the government, and that the people would rise up against it?

A. Yes, sir.

Q. Was that before the election?

A. I do not remember.

Q. Did he suggest that when this uprising took place there were friends near at hand that would help them?

A. I do not recollect that he did.

Q. Did he at any time speak of their friends being incarcerated, who at the proper time would come forth to their relief?

A. He spoke of men who would come to their relief; he spoke of P. C. Wright as being in prison; that is all that I remember.

Q. Did he at any time explain to the order how Camp Douglas was situated, how many men were on guard, and how the different approaches were guarded?

A. I do not recollect.

Q. Did you ever see him or any other person exhibit a plat of the camp?

A. No, sir; I never saw it.

Q. Did you ever hear Judge Morris say anything in relation to the prisoners at Camp Douglas?

A. I never did.

Q. Did you say that all the speeches of Judge Morris recommended obedience to the laws and the Constitution ?

A. Yes, sir.

Q. Were all his speeches mild and pacific ?

A. When his speeches were in reference to obedience to the law, but when he spoke of his political opponents they were harsh.

Q. What did he say about his political opponents ?

A. He said they were untruthful, and cowardly ; that it was necessary for us to be armed, and present a bold front, and then they would not make any attacks on us ; that if they knew we were prepared to meet them there would be no cause for fear ; that he himself was good for ten of them ; though he was old, he would be good for ten abolitionists.

Q. Did he counsel them to be armed ?

A. Yes, sir.

Q. In thus counselling did you understand that he was harsh and violent ?

A. To his political opponents he was.

Q. What was his manner when he was saying these things ?

A. He argued the case. At times he was mild in his speech ; when counselling the members to obey the laws and to do nothing that would bring them in contact with the law, then he was mild and pacific.

Q. In what terms did he counsel this matter of arming ?

A. I do not recollect on that occasion that he was harsh ; it was for defence, and I should consider that he was mild ; but in speaking of encroachments that were made, or that he expected to be made by his political opponents, then he was harsh.

Q. What was his manner on those occasions ? Was it violent and harsh in the extreme, or was it mild and pacific ?

A. It was generally more harsh than pacific.

Q. Did he call the opposition names, other than abolitionists ?

A. I do not recollect that he did.

Q. Did he call them usurpers ?

A. No, sir.

Q. Did he call the President a usurper ?

A. No, sir.

Q. Did he say what would be done at the election to right the wrongs complained of ?

A. No, sir.

Q. Did he speak of an uprising for the purpose of defence ?

A. Yes, sir ; that if we were attacked at the polls, we should rise up for that purpose.

Q. Did you ever hear him speak of the character of the friend, who were near them, but only separated by a small enclosure ?

A. No, sir.

Q. Did you ever hear him speak of the time coming when, as sure as there was a God in heaven, or an abolitionist in hell, they would be righted ?

A. I think I heard him use that term on some occasion.

Q. Do you remember the occasion on which that expression was used ?

A. No, sir.

Q. Do you remember his using the expression that at the fitting time they would send them all to hell in a hand-basket ?

A. No, sir.

Q. Do you remember his saying of his political opponents that he would give them hell ?

A. I think that was his general tone, but I do not distinctly remember that expression. His speeches were most all alike.

Q. Was not that kind of speech harsh and violent ?

A. There might be a portion of that speech that would be reasonable?

Q. Were there some of these harsh expressions in every speech?

A. Yes, sir.

Q. To what subject were they applied? Whom were they to send to hell?

A. Those who interfered with the free use of the ballot-box.

Q. How long were these speeches continued?

A. I cannot fix the time.

The commission then adjourned to meet on Thursday, March 16, 1865, at 11 o'clock a. m.

MILITARY COMMISSION, CINCINNATI,

March 16, 1865—11 o'clock a. m.

The commission met pursuant to adjournment.

Present, all the members except Colonel Benjamin Spooner; also present, the judge advocate, the assistant counsel, the accused and their counsel.

The proceedings of yesterday were read and approved.

The examination of Patrick Dooley, a witness for the accused, was continued as follows:

By E. G. ASAY, esq.:

Q. You stated, did you not, that you attended a meeting on the Sunday night before the election?

A. Yes, sir.

Q. Was that meeting held with open or closed doors?

A. With open doors.

Q. Was it a meeting of any party or particular society?

A. I can only give you my impression, which is, that it was a called meeting of a previous meeting of the Sons of Liberty. At that meeting I saw democrats whom I did not recognize as members of the order.

Q. Did Dr. Ayer, in the conversation you had with him, say anything in reference to what had become of Doolittle? If so, what did he say?

A. He said he had gone away. I asked him where he had gone to; he said he did not know, but that Doolittle had been killed by a railroad accident in Indiana, and that they would not get him.

Q. Was there ever a meeting of the order in which a man by the name of Geary was appointed to get supplies for the rebel prisoners?

A. Not that I know of.

Q. Was there ever any such order made in the Sons of Liberty?

A. No, sir.

Cross-examination by the JUDGE ADVOCATE:

Q. You say that "they" would not get him, whom do you mean?

A. The government authorities.

Q. Was there ever in the order of the Sons of Liberty any order made or any arrangement by which Mr. Geary was to give any assistance whatever to escaped prisoners or southerners?

A. No, sir.

Q. Were there ever any collections made for that purpose?

A. There were collections made for the relief of parties whom I understood to be brothers in the order.

Q. Was Geary made the recipient of that money so collected?

A. Yes, sir.

Q. Did he ever make any report of what he had done with that money after he had received it?

A. Not to my knowledge.

Q. Did I understand you to say the meeting on Sunday night was an open meeting?

A. It was an open meeting.

Q. Did you go there among the first or after the meeting had opened?

A. I was there before the meeting opened.

Q. Were you there when it was opened?

A. Yes, sir.

Q. Was a "tyler" placed at the door?

A. I do not think that there was.

Q. Might there have been one and you not have known it?

A. There might probably; it is very unlikely.

Q. Do you pretend to know all who were members of the Sons of Liberty in Illinois?

A. For the last two or three weeks previous to the election I was absent, and there might have been some persons initiated whom I did not know.

Q. Was it not a fact within your knowledge that there were other lodges of the Sons of Liberty adjacent to the city of Chicago?

A. No, sir.

Q. Is it not a fact that members of the order came to your lodge from other places and were admitted by giving the grips and signs?

A. Yes, sir; I think I recollect of such taking place.

Q. How many persons have you seen initiated in your lodge at Chicago?

A. I have seen the majority of that society initiated, but cannot tell the number.

Q. What were the usual number attending upon your meeting?

A. I think the most I have seen were 25, excepting on that Sunday; the average number was twelve or fourteen.

Q. Were they the same faces usually or different?

A. Pretty nearly the same faces.

Q. Did you ever hear any man make a speech in the order wherein he explained the Coles county murders?

A. I did.

Q. Was he a member of your order, or was he from another branch of the order?

A. He did not belong to our branch of the order.

Q. Did he in that speech explain to you how these Coles county murders were effected?

A. Yes, sir.

Q. Did you ever hear Judge Morris in any of his speeches allude to the abduction of a man named Gray by the members of the opposite party?

A. He might have; I do not recollect it.

Q. Did you ever hear Judge Morris cite any instance of a party being severely dealt with, and that their neighbors had threatened to burn down their houses unless their wrongs were righted?

A. No, sir.

Q. Do you say that Doolittle's speeches were received with displeasure by most of the members?

A. Mostly.

Q. Did ever any member get up and object to his speeches?

A. Yes, sir.

Q. Can you give their names?

A. No, sir; but I am of the impression that Mr. Strawn did on one occasion.

Q. Did any one else?

A. I do not recollect.

Q. When Mr. Strawn spoke against Doolittle's doctrines was he consistent with his own previous speeches?

A. That took place in the early stage of the society, and I cannot recollect what it was about. I remember he was opposing some suggestion of Mr. Doolittle. I also remember Wilkinson saying that that miserable insignificant little creature was more respected in the society than he, who had brought many good men into the society. That was in a private interview after a meeting.

Q. In the meeting, did any one besides Strawn speak against the doctrines of Doolittle?

A. I do not now recollect.

Q. Did you content yourself by expressing your disapproval?

A. Yes, sir; I always treated Doolittle silently because he was an old man; I never got up and said anything against the doctrines.

Q. Were you the secretary of the order of the Sons of Liberty?

A. Yes, sir.

Q. Were those records destroyed by the order of Sons of Liberty?

A. Yes, sir; but it was not in accordance with the wishes of the whole order; I received instructions from some not to destroy them.

Q. Was the destruction of the records of the Sons of Liberty in pursuance of an order of that body?

A. Partially.

Q. How was that order communicated to you?

A. I think I was present when the society passed the order, and I think Mr. Patten presided. I remember speaking to Mr. Patten and saying that I would not destroy the books; that there was no occasion for it; that they contained nothing criminal; and Patten told me not to destroy them, and we agreed that I should report that they were destroyed; to quiet any trouble in the order, I reported that I had destroyed them.

Q. Did you destroy all the records?

A. There were some saved. I cut out all the cases that contained writing; there may have been a page or two left.

Q. When was it that it was determined to destroy the records?

A. Shortly before these arrests.

Q. Do you say there was a general understanding about leaving the hall after the election?

A. Yes, sir; but there was no motion or action of the order to that effect, prescribing when we were to leave it.

Q. Did Judge Morris subscribe anything to those collections for the purchase of arms?

A. I understood he did; I forget.

Q. Did you apply to Judge Morris for a subscription for the purchase of those arms?

A. No, sir; I received my subscriptions from members as they attended the meetings.

Q. How much did you collect?

A. I do not know; it was not much. We assessed ourselves one dollar each, with the privilege of paying when we liked.

Q. Did you collect as much as twenty-five dollars.

A. Yes, sir; it was between twenty-five and a hundred dollars.

Q. Do you know of any money being collected by any others in the society?

A. Yes, sir; Doolittle said he had collected a good deal.

Q. Did he report to the order how much?

A. Yes, sir, but I do not recollect the amount; he said he had collected from democrats of his acquaintance who did not belong to the order, as well as from those who did.

Q. Did you know any other person who collected money for this purpose?

A. I think Mr. Felton and Mr. Bicton; I do not know how much they collected.

Q. Can you state the names of persons present who were present on that Sunday night who were not members of the order?

A. No, sir; I was a little unwell at the time, and was anxious to get away, and I think I have often seen those men at the polls before.

Q. When you were arrested, it was just as those other accused—that is, you were arrested as one of the principals, were you not?

A. Yes, sir; I suppose so. Colonel Sweet told me that there was very little against me; that it was only because I was in bad company.

Q. Was Mr. Strawn arrested the same day as you?

A. I do not know.

Q. Was he in prison with you?

A. I saw him in Camp Douglas afterwards.

Q. Where did you see him?

A. I saw him in the restaurant there.

Q. Have you not conversed with parties about this case since you have been released, in reference to the testimony you were giving here?

A. I have endeavored to avoid it as much as possible; where some parties were talking about what they saw in the papers, on most occasions I either told them that I was a witness or withdrew.

Q. Have you not had conversations with the majority of the witnesses on this stand who have testified for the defence?

A. Yes, sir, I think I have.

Q. Have you been in the court day after day when the testimony has been given?

A. No, sir, not when the testimony was given. I was here yesterday, when a gray-haired man repeated a few words.

Q. In these conversations with different witnesses who have been on this stand, has not the testimony in this case been the subject?

A. It may have been, but I have told them I was not permitted to hear it, or withdrew from them.

Q. Have they mentioned anything to you about circumstances when they said anything in reference to the testimony?

A. I told them not to repeat it in my presence.

Q. Had you any conversation with Dauphin in reference to this case?

A. No, sir; he has, I suppose, mentioned the circumstances of his testifying, but not his testimony.

Q. When you did meet, was this case the subject of your conversation?

A. I do not recollect speaking of this case. I was very careful not to speak of this matter in their presence.

Q. Did not Dauphin speak of the matter of identity in this case, and tell you that there was no mistake about it?

A. No, sir; I do not recollect a word of it.

Re-examination: By the accused:

Q. Have you been told by any person that if you in any way assisted the defence in getting witnesses to throw light upon these transactions that you would be thrown back into prison? and if so, who so threatened?

A. I have been so told by the judge advocate.

Q. When was that?

A. When he released me to go to Chicago.

Q. Who was present beside yourself?

A. My sister.

Q. Have you, because of that threat, declined to give the names of parties and the residences of parties we have asked for?

A. I have.

By ROBERT HERVEY, esq.:

Q. You say that you know of Geary receiving money from members of this order for some specific purpose?

A. Yes, sir.

Q. When was that?

A. It was in April of last year, immediately before the municipal election.

Q. Where did Mr. Geary make the application for assistance for the Sons of Liberty, and for what purpose?

A. He met us on the sidewalk, as we emerged from the room, and he said the purpose of the money was for brothers who wanted it. I think it was to go home.

Q. Are you certain as to the time?

A. Yes, sir.

Q. State why you know it was in April.

A. It was immediately before the election, and the party with whom I was in company went over to the ward meeting, over on the other side.

Q. Was that preparatory to the municipal election in May?

A. Yes, sir.

Q. Was Dr. Ayer a member of the order at that time?

A. No, sir.

Q. Was he present when Geary solicited that assistance?

A. No, sir.

Q. Who made the motion to destroy the records of the Sons of Liberty?

A. I do not now recollect.

Q. Was Dr. Ayer present when that motion was made?

A. I do not know.

Q. Was Alexander present when that motion was made?

A. I do not know.

Q. Was Hull present?

A. I do not know.

Q. Who was present when that motion was made?

A. Mr. Patton; and I think Dr. Edwards was there.

Q. Was Judge Morris there?

A. No, sir.

Q. Was Doolittle present?

A. I do not know.

Q. Do you know when Ayer became a member of the order?

A. I could not give the exact time; it was in the summer.

Q. How long after this application had been made to the order in behalf of those brothers who needed it?

A. It was a month or two.

Q. Are you quite certain that at the time that Geary made this application Ayer was not a member of the order?

A. I am.

Re-cross-examination: By the JUDGE ADVOCATE:

Q. You have been asked in your re-examination the following questions: "Have you been told by any person that if you in any way assisted the defence in getting witnesses to throw light upon these transactions you would be thrown back into prison? and if so, who threatened?" To which you replied: "I have been so told by the judge advocate." By whom were you so threatened?

A. By you.

Q. Where?

A. In your office.

Q. When?

A. I could not recollect the date; it was the day after the close of the prosecution in this case; I think about the 16th of February. I came to your office, and my sister was present; there were others present whom I do not know. You were hanging up your coat at the time.

Q. Did I ever have one word of conversation with you about this defence, or the terms of your parole?

A. Yes, sir; you did.

Q. Did not all the conversation that you had in reference to this defence take place with Mr. Jackson?

A. No, sir; that was the day before.

Q. Did you not state that all the terms made with you in your parole were that you should not talk with any person in reference to this case?

A. No, sir.

(The judge advocate here read to the witness his testimony of yesterday, in which he was directed not to converse with the defendants or others in reference to this case.)

Q. Is that correct?

A. I think it is; I wish to explain what I said yesterday. The general question was asked by Asay. The judge advocate pointed his subject to the conversation I had with Jackson, to which I replied, no. The first question I answered yes to was correct; and I had no intention of answering yes in reference to the conversation I had with the judge advocate.

Q. When you answered No, sir, was the general caution not to talk to any person?

A. No, sir, that is not the fact; when I answered, I intended to answer Mr. Jackson's question first, and then to explain what transpired next; there were three questions to which I had to answer at one time.

Q. Now explain what you mean.

A. The day after the court adjourned I came to your office with my sister; I think I went home that night; I was at your office also the day before.

Q. Have you not sworn that the day you went home your conversation was with Colonel Jackson?

A. If I said so it was incorrect. It was not the same day that I had a conversation with Colonel Jackson that I had the talk with you.

Q. Do you say it was the first day you had the talk with me?

A. If I did it was incorrect; it was the day I went home that I had the talk with you.

Q. What did you come to the office for?

A. Permission to go home.

Q. Did I give you permission?

A. Yes, sir; you ordered it.

Q. Did I, or did I not, give you my consent directly to go home?

A. I heard you issue the order.

Q. Was not the information that you might go conveyed to you by Mr. Hervey or Mr. Wilson?

A. No, sir.

Q. Did not you send Mr. Hervey or Mr. Wilson?

A. No, sir; I had no counsel. I wrote to Judge Wilson to intercede with you in my behalf, during my imprisonment.

Q. Did Judge Wilson tell you anything about your going home?

A. No, sir.

Q. Are you sure?

A. Yes, sir.

Q. To whom did I issue my order?

A. To your clerk; one, I think, was sitting on one side and the other directly opposite.

Q. To whom did I give my order?

A. I do not know.

Q. Was that before or after I told you that you must not assist the defence in this matter?

A. After.

Q. Was I sitting at my desk when you came in?

A. No, sir.

Q. What time was it?

A. Between nine and ten o'clock in the morning.

Q. Where were you sitting in the office?

A. In the centre of the floor, nearly opposite the door.

Q. Where was your sister sitting?

A. By my side.

Q. Was there no obstruction in the centre of the floor?

A. There was a table placed nearly opposite the door, I sat on the side of the table towards the front window, nearer to the window than the table; my sister sat beside me.

Q. What did you say to me?

A. I said that I understood the court had adjourned for a week, and that my sister had brought me the intelligence that my family wanted me, and I would be very thankful if I could be permitted to go home. You said to me "Yes; but I find you were no sooner released from prison than you began running around for the Chicago lawyers, hunting up witnesses." I denied it, and you said you knew better. I told you that I went to Judge Hervey to ask him to see you to obtain permission for me to go home. I said I was under certain restrictions and could not talk to him about the matter; and that is all that transpired. That was the only conversation I had with you.

Q. Had you no conversation with Colonel Jackson before that?

A. I did in the office the day before.

Q. What instructions did Colonel Jackson give you?

A. I asked what obligation I was under, knowing from prisoners who were coming in at the barracks that some obligation was imposed on witnesses, and Colonel Jackson told me that I might be a witness, and that I should not converse with any one about the case; that was the day the court adjourned, and one day before I went home, and the day I had the talk with you.

Q. Then you had received your instructions and the terms of your parole before this conversation with me?

A. Yes, sir.

Q. Is not this simply the fact, that when you came up to my desk and said your family was sick, and that you were poor, and wanted to go home and assist them; did I not say that you had already received the terms of your parole from Colonel Jackson, and asked you if you had observed them?

A. No, sir; some of your questions I will answer yes, and some I will answer no.

Q. Was not the first part of the conversation when you asked me in reference to being permitted to go home?

A. I think it was.

Q. In making that plea to be permitted to go home, did I not ask you if you had observed the terms of the parole?

A. No, sir; I mentioned to you the terms that Colonel Jackson had given to me.

Q. Was not the first word you spoke in reference to your family?

A. I think the first time I addressed you was when you were hanging up your coat.

Q. Was not the first word you spoke about the parole over my shoulder at my desk?

A. It may be.

Q. Was not what I said, after you had said what Jackson said, that I had seen you in conversation with the lawyers, and asked you what you were talking about?

A. You did not.

Q. Did I not say that I had seen you conversing with Mr. Hervey in the hotel, and asked you if you had not broken your parole?

A. No, sir, you did not.

Q. Did you or did you not say that I told you I had seen you conversing with lawyers for the defence?

A. If I did it was incorrect. You said to me that you found the moment I was released I was running round after the Chicago lawyers, hunting up witnesses for the defence; you said it was wrong, and I question whether I called upon Mr. Hervey.

Q. Was it then that I said if you took any further part you would be thrown into prison?

A. Yes, sir; it was then.

Q. Have you not said that it was after talking with him that I said that to you?

A. I said so many things that it might have been mixed up.

Q. Was it after or before the talk that I said to you if you did that any more you would be put into prison?

A. You said if I would run round after the lawyers, hunting up witnesses for the defence, I would be thrown into prison. It was after the talk that you said that.

Q. Have you not said that the first word you uttered to me was when I was hanging up my coat?

A. I said I addressed you first, and then you accused me of what I have mentioned.

Q. Has ever a single threat been offered to you in connection with this case, at any time or place?

A. Yes, sir; I considered that I was threatened.

Q. Was it after I had the conversation with you?

A. I do not know. My strongest impression is that it was before you took your seat at the desk.

Q. Was Watson at the desk?

A. No, sir.

Q. Was Colonel Lathrop or Captain Patten there?

A. I do not know; I think there was somebody in the rear.

Q. Was the order made out after the talk?

A. Yes, sir, and it was handed to you to sign it.

By ROBERT HERVEY, esq.:

Q. When you were released and came to me as your friend, to ask me to get permission for you to go home, did you say one word to me on the subject of the case?

A. I think I mentioned to you to caution you, and I think you asked me the nature of my parole, and you told me to be faithful to it.

Q. Did I ask or inquire of you one word in reference to this case?

A. No, sir.

Q. Was the visit solely to request me to go to Major Burnett to get permission for you to go home?

A. Yes, sir.

By the COURT :

Q. Had it been the custom or habit of the political parties in Chicago to carry shot-guns to the polls?

A. Never, except on the occasion of Hecker's regiment; I saw them at the polls with fixed bayonets. They came home to vote.

Q. Did you subscribe money to buy arms?

A. They had a different choice of arms. I subscribed money to buy arms.

Q. To whom did you pay the money that you collected for the purchase of arms?

A. I paid all moneys to the treasurer. Mr. Richter was financial secretary; Mr. Frost and Judge Morris were also, at different times.

Q. Was Judge Morris treasurer?

A. He was, for the last two months; I only made two payments to Judge Morris; one was twelve dollars and the other something less.

Q. Were the terms of your parole anything beyond that you should say nothing about this case?

A. That was the terms of my parole to Cincinnati, and when I was going home it was as I have stated; no obligation except that of not hunting up witnesses.

Q. What do you mean when you say some had different choice of arms?

A. Some said they wanted shot-guns, and some pistols.

Q. Do you say you have kept the terms of your parole?

A. As much as possible; my room-mate spoke to me about it, and on this occasion I told him not to talk to me about it.

Q. Who was your room-mate?

A. Mr. Tucker.

Q. Was there any person else to whom you talked about this case?

A. I do not recollect any one to whom I gave information.

Q. If you have said nothing to the counsel how is it that they know of your conversation with me?

A. I told Mr. Asay that at Chicago.

Q. Did you tell him anything else?

A. No, sir. I went to him to get a day longer, but he would not excuse me before the court.

Q. Did you tell Mr. Asay about the terms of your parole?

A. Yes, sir.

By E. G. ASAY, esq. :

Q. Had you seen me before the time you came to my office?

A. No, sir.

Q. I then asked you certain questions, did I not, in reference to facts that had transpired here?

A. Yes, sir.

Q. Did you not say that you could not answer me?

A. Yes, sir.

Q. I then told you it was hard, but you would have to regard it, did I not?

A. Yes, sir.

JACOB HULL, a witness for the defence, being duly sworn by the judge advocate, testified as follows :

By the accused :

Q. Please state to the court your name and place of residence.

A. Jacob Hull. I reside in Shelby county, Kentucky.

Q. Are you a brother of John W. Hull, a witness in this case?

A. Yes, sir.

Q. Were you at one time in the confederate service?

A. Yes, sir.

Q. Was your brother also ?

A. Yes, sir.

Q. How long is it since you left the service ?

A. A year ago last June.

Q. Did you then take the oath of allegiance to the United States ?

A. Yes, sir.

Q. What has been the condition of your brother's mind ?

A. It has been very bad.

Q. For how long ?

A. For six years.

Q. In what respect has it been bad ?

A. At times he is affected.

Q. Is it understood among your relatives ?

A. Yes, sir.

Q. Have you ever had any conversation with him about the time he was a witness in this case ?

A. I came to Cincinnati for the purpose of seeing him give his testimony.

Q. Did he give any reason why he testified against Grenfel ?

A. He told me he had some prejudice against Grenfel.

Q. Did he give that as a reason why he testified ?

A. Yes, sir.

Q. Did he make use of any particular word when he spoke of it, or did he say anything about being revenged ?

A. I think he said that he had that method of revenging himself.

Cross-examination by the JUDGE ADVOCATE :

Q. You say that you believe he said so, are you sure ?

A. Yes, sir ; he said so on Fourth street where he was boarding when I came to see him.

Q. Was any person else present when he said that ?

A. No, sir.

Q. Are you on good terms with your brother ?

A. Yes, sir ; he is practicing law.

Q. Does he support himself ?

A. Yes, sir.

Q. Has he mind enough to do that ?

A. Yes, sir.

Q. Are there not a good many lawyers who do that and nothing more ?

A. Yes, sir, I suppose there are.

Q. What was your brother's position in the rebel army ?

A. He was a private.

Q. Has not your brother as good a mind as yourself ?

A. Yes, sir, probably better ; I am considered sane by my friends ; my brother is very shrewd in some things, and in others not.

Q. Is not that the way with most men ?

A. Yes, sir.

Q. Has he ever had a guardian.

A. My uncle was his guardian, but that was by reason of his minority.

Q. Has he ever been confined in any way ?

A. No, sir ; he was among his friends.

Q. Have you not been there too.

A. Yes, sir.

Q. Were you among your friends when you were in the rebel army ?

A. I had some few Kentuckian friends.

Q. When he said he would take measures of revenge, did he say that he was going to say anything that was not true ?

A. No, sir.

Q. Did he say he was going to tell the truth and revenge himself in that way?

A. Yes, sir, that is what he said.

Q. Did you not try to prevent him from coming here as a witness?

A. No, sir.

Q. As soon as he told you about this, you ran and told him what he said, did you?

A. I do not remember; I think I told it to Mr. Radfield.

Q. Who is Mr. Radfield?

A. He is a merchant at Louisville.

Re-examination by E. G. ASAY, esq.:

Q. Is your brother considered sane by those who know him?

A. I do not think it is generally known by his acquaintances; his relatives consider him insane.

Q. Was he so considered by his physician?

A. Yes, sir. His physician is now dead.

Q. Was he considered a man of unsound mind?

A. Yes, sir.

Cross-examination:

By the JUDGE ADVOCATE:

Q. How do you know that?

A. I took him to Lexington for treatment.

By the COURT:

Q. Is his imbecility of mind hereditary or accidental?

A. It is accidental.

Q. Is it confined to your brother, or does it extend to the other members of your family?

A. It is confined to my brother.

Q. What was the cause of your brother's imbecility?

A. Over-study and overtaxing of his mind.

Q. Was there any other cause?

A. Not that I know of.

OBADIAH JACKSON, jr., a witness for the defence, was then introduced, and being duly sworn by the judge advocate, testified as follows:

By the accused:

Q. Please state to the court your name, profession, and where you reside.

A. Obadiah Jackson, jr.; I am a lawyer, and reside in Chicago, where I have lived for twenty-one years; I have practiced law for four years.

Q. State if you know Judge Morris.

A. I do; I have known him ever since I was a boy; he was a resident of Chicago before my father was.

Q. Did you ever belong to an order called the Illini or the Sons of Liberty?

A. I did belong to a club called the Illini Democratic Club, which has also been called the Sons of Liberty.

(The ritual of the Illini was handed to the witness.)

Q. Do you recognize that as the constitution and laws of that society?

A. I think so; but there is something in this ritual I never before saw.

Q. When did you become a member?

A. On the 24th of June, 1864, and I never dissolved my connection with it in any way.

Q. Did you remain a member up to the time of the presidential election?

A. Yes, sir; I attended a meeting a week after I joined; I then ceased at-

tending any meetings until about the 20th of October; subsequent to that I attended two meetings.

Q. Did you know that Judge Morris was a member of that association?

A. Yes, sir, he was present the night I joined; and I joined, I believe, at his request.

Q. Did you ever hear Judge Morris address the order of the Sons of Liberty?

A. Yes, sir, he made a short speech, and then I was initiated.

Q. What was the tenor of Judge Morris's speech on that occasion?

A. There was nothing particular in his speech worth remembering. He and I had some discussion before or at the time I joined with respect to some differences, but nothing that amounted to anything.

(The address of P. C. Wright, grand commander of the order, was here handed to the witness.)

Q. Do you know anything of that paper, or were you ever required to give your assent to that paper before?

A. I have seen that paper before.

Q. Did you see it before you became a member of this organization?

A. No, sir.

Q. Were you required to give your assent to that paper before you became a member or afterwards?

A. No, sir.

Q. Was there, to your knowledge, any such obligation required from the members of that organization as is stated in that paper?

A. No, sir.

Q. Did you ever assume any such obligation as that?

A. No, sir, nothing of the kind.

Q. Was there, to your knowledge, any member of the Sons of Liberty ever required to assume any such obligation?

A. No, sir, no member of this club. The ritual contains the same words; but we had it written in a manuscript foolscap book.

Q. How many times have you seen Judge Morris there?

A. Only once.

Q. Did you ever hear Judge Morris refer to the release of the rebel prisoners?

A. No, sir.

Q. Did you ever, during your connection with this order, understand or learn that any such project was even thought of or contemplated by this order?

A. Nothing of the kind.

Q. Were you not presiding officer of the order?

A. Yes, sir. In the month of October I received notice that I had been elected to the office of president.

Q. From your connection with the order, could any such enterprise have been entertained by the order, as an order, without your knowledge?

A. No, sir, it could not during my active connection with it?

Q. Could there have been any such enterprise contemplated while you were connected with the order without your knowledge?

A. I could not say for certain that there could not be, but I think I should have known it if it had been so contemplated.

Q. Did you ever hear any such thing mentioned?

A. No, sir, nothing of the kind.

Q. Were you ever appointed by the order to deliver an address or lecture upon the subject of the objects of this order?

A. I think I was requested, when I joined as president, to deliver a speech at the next meeting on the general objects of the democratic party—this in particular.

Q. Did you take any pains to inform yourself as to the objects of this order?

A. I made one or two inquiries, but I did not deliver any speeches. I was out of town when the next meeting took place.

Q. Do you know a man named Doolittle ?

A. Yes, sir.

Q. Was he a member of this organization ?

A. He was.

Q. What sort of a man was he as a speaker ?

A. He was ready to make a speech. Not to speak disrespectfully of the man, he was more of a fool than anything else.

Q. Did the order, as an order, ever pay any attention to what he said ?

A. I think there were a great many men like him in the order.

Q. Did you ever meet Dr. Ayer in that order ?

A. Yes, sir ; he and I joined the same night.

Q. Was he one of the Doolittle character ?

A. In some respects he was like Doolittle, in other respects he was very unlike. They were physically very different. Doolittle was a cadaverous, thin-visaged man. Dr. Ayer was very vigorous, very voluptuous, and well developed. They talked similarly, and both made extreme speeches.

Q. Have you heard members of the order dissent from the extreme views enunciated by Mr. Doolittle and Dr. Ayer ?

A. I never heard them speak but twice. There was a great deal of dissenting and discussion. Doolittle was in favor of great secrecy, and wanted to pass a vote of censure upon Francis Adams, the city attorney, who was in the habit of talking about the doings of the meeting outside, and I think it was voted down.

Q. Did the order, as an order, pay any attention to the speeches of Doolittle and Ayer ?

A. There was so little done in the order that it was difficult to say what was done.

Q. Do you know of anything being said by Doolittle that was officially acted upon, excepting what you have mentioned ?

A. Only what I have said, and that they voted down.

Q. Do you know Robert Alexander ?

A. I know Bob Alexander, but I did not know him in the order, though he might have been present in the last meeting.

Q. When was the first time that you ever saw Judge Morris present at a meeting of that order ?

A. The night I was initiated, in June, 1864, and I attended a meeting one day from that time. I was at Montreal, Canada, three weeks in the month of August last. I am certain that Judge Morris was not at the meeting, for the last meeting I attended was in October ; then I attended a meeting on Sunday night, November 6, 1864. Judge Morris was not present at either of those meetings, and I never saw him in the order after I was initiated.

Q. Did Judge Morris say anything to the order respecting the laws of the ritual, by-laws, and the constitution ?

A. I think there is a clause in our book which I do not see in this ritual. There are so many in relation to State sovereignty that Judge Morris discussed. I looked over the ritual before I joined the order, and had some discussion about this clause on the question of State sovereignty.

(The ritual of the O. S. L. was handed to the witness.)

The clause I refer to is the 5th section. (The witness read that clause and continued :) I dissented to that clause, as I did not consider it a true interpretation of the constitution. Judge Morris said he was a Henry Clay man ; that he did not belong to any political party, for they were all taking the country to hell together. He gave me to understand that he adhered to the Whig principles.

Q. How do the Whig principles agree with the enunciation of the principles of that ritual ?

A. They, of course, do not.

Q. Were you arrested by the military authorities on account of your connection with this order?

A. I was arrested on the 14th of November, 1864.

Q. Where were you taken to?

A. To Camp Douglas.

Q. How long were you detained there?

A. Four weeks, nearly.

Q. Were you in the city every day?

A. I had been in the city of Chicago from about the 4th of November, 1864, until the day of my arrest.

Q. Where is your office?

A. I am a member of the firm of Jewett, McCallister & Jackson, on Dearborn street, nearly opposite the Tremont House.

Q. Were you there every day from the 4th of November to the time you were arrested?

A. Yes, sir, every day.

Q. At what time were you arrested?

A. On the morning of the 15th of November, about two o'clock in the morning, at my father's house, where I lived, on the north side of Dearborn street, near Washington barracks, about a mile from my office.

Q. What is the distance from your office to Camp Douglas?

A. Four miles.

Q. How far from your office to your residence?

A. About a mile.

Q. Then a person arresting you at your father's residence would be required to travel a mile further than if you had been arrested at your place of business?

A. Yes, sir.

Q. How long were you kept at Camp Douglas?

A. Until the 10th of December.

Q. Were you ever tried before any tribunal?

A. No, sir.

Q. Was your case sent to any court?

A. No, sir.

Q. Were you to give bail in any way?

A. No, sir.

Q. How were you discharged?

A. By Colonel Burnett, the judge advocate at Chicago.

Q. Before you saw Colonel Burnett had any proposition been made by any person to release you?

A. I had several interviews with Colonel Sweet.

Q. State what took place between Colonel Sweet and yourself upon those occasions.

(The judge advocate objected to the question. The court was cleared for deliberation. On being reopened the judge advocate announced that the objection was sustained.)

Q. Was there any proposition ever made to you by any military authorities of Camp Douglas that you should escape from the camp?

A. There was a proposition that I should conditionally escape.

Q. State what it was.

A. Colonel Sweet, on the third interview I had with him, on the evening of Monday, the 21st of November, said he desired to arrest a man by the name of Corning Judd, grand commander of the Sons of Liberty, or some such title. He said he had evidence against Judd, but not enough to hold me, and if I knew him and wanted to get out and would go down to his place in Lewistown and would get some knowledge from Judd that would implicate him, he would

have it reported that I broke loose from prison, and then I should be discharged.

Q. Was anything said about your guilt or innocence?

A. He said I was not implicated in this conspiracy, but that he should hold me a few days longer unless I went into this arrangement.

Q. Did he say anything about newspapers?

A. He said there had been a great deal in the newspapers, a great deal more than he ever intended should go into the public papers.

Q. It was stated that you were to be arrested, and the report sent forth that you had broken prison?

(The question was objected to by the judge advocate and withdrawn.)

Q. Did Colonel Sweet say anything to you about putting you and Judd in irons when he was arresting you?

(The question was objected to by the judge advocate, and the objection withdrawn.)

A. I was very anxious at the time to be paroled or bailed. I wanted Colonel Sweet to let me out; and he said after the ringleaders were arrested he would then consent; that Judd was one of them, and he felt it his duty to hold me until Judd was arrested, and if I would assist in obtaining Judd's arrest he would order me to be discharged. He asked me what kind of a man Judd was. I told him he was a man of a good deal of nerve, and I thought if he did know anything that was in any way treasonable, it would be very hard to get it out of him. He said then he would "iron him," that is, put him in irons, and he thought he would consent then to tell what he knew, or some words to that effect.

Q. Did he say anything as to how long it would take, on the application of these irons, to get what he wanted out of Judd?

A. He laughed, and he said that they would tell what they knew after they were in irons twenty-four or thirty-six hours.

Q. What were you to do when you went down to see Judd?

A. I was to talk, that was about all, to see what I could get out of him.

Q. And you were to be reported as an escaped prisoner?

A. Yes, sir.

Q. And you were to be arrested with Judd?

A. Yes, sir.

Q. And put in irons?

A. Yes, sir. I do not know that I was to be put in irons. Judd was to be put in irons.

Q. Were you to be arrested with Judd?

A. Yes, sir.

Q. Were you to be brought to Camp Douglas with Judd?

A. He did not go very far, because I rejected the plan, and the thing dropped.

Q. How long were you retained in confinement after that?

A. I was there until the 11th of December, when I was released, without trial by the order of Major Burnett.

Q. Did Colonel Sweet ever mention the name of Dr. Ayer, and say whether he was a prisoner in the camp, or not?

A. No, I do not think Colonel Sweet ever did; I heard it from other officers in the camp.

Q. Who were they?

A. I heard it from Lieutenant Fife.

Q. Was he not, to your knowledge, a prisoner?

A. No, I think he was not.

Q. What was the position of Lieutenant Fife?

(Question objected to by the judge advocate, and withdrawn.)

The commission then adjourned to meet on Friday, March 17, 1865, at 11 o'clock a.m.

MILITARY COMMISSION, CINCINNATI, OHIO,
March 17, 1865—11 o'clock a. m.

The commission met pursuant to adjournment. Present, all the members excepting Colonel Benjamin Spooner; also present, the judge advocate, the assistant counsel, the accused and their counsel.

The proceedings of yesterday were read and approved.

The examination of Obadiah Jackson, jr., a witness for the defence, was then continued as follows:

By ROBERT HERVEY, esq.:

Q. Describe the character of that Sunday night meeting, whether it was a secret meeting or not.

A. It was a called meeting by some member of the Invincible Club, as I was informed; I think by Mr. Strawn.

Q. Were there any persons present who were not members of the Invincible Club?

A. I never knew personally but seven or eight who were members of the club. There were a great many persons present whom I did not recognize as members of the club.

Q. Was it an open meeting?

A. Yes, sir.

Q. Was there any particular way of gaining admission?

A. No, sir; any person could come in who wished.

Q. Were you in the chair?

A. Yes, while there was any one in the chair. It was a very informal meeting, and a great deal of business was done by informal discussion.

Q. Were you officially connected with any campaign or organization of the democratic party?

A. I was a member of the democratic central committee of Cooke county, Illinois.

Q. In that capacity, were you requested to do any duty relating to the polls?

A. I was continually in attendance at the meetings of that committee from the 1st of October to the election. I was acting as treasurer for part of the time. I was challenger of certain polls on the democratic side.

Q. Have you ever assisted in raising any troops for the war?

(Objected to and question withdrawn.)

Cross-examination:

By the JUDGE ADVOCATE:

Q. Was that meeting held in pursuance to a meeting held previous?

A. I know nothing personally, but I understand it was.

Q. After you got into the hall, was it announced that that meeting was held in pursuance to a previous meeting?

A. I do not think there was any such announcement made.

Q. Did you go there to act in your official capacity as Grand Seignior?

A. I presided as such when any vote was taken.

Q. Did you keep order in the deliberations of that meeting?

A. Yes, sir, I did, but it was an informal and boisterous meeting.

Q. What was the occasion of its being boisterous?

A. There was a great deal of diversity of opinion; in fact, most of them were not fit for business, as a good portion of them were intoxicated.

Q. Was Mr. Walsh there?

A. Yes, sir.

Q. What was the diversity of opinion upon?

A. It was upon the subject of the manner we should conduct ourselves at

the ensuing election. The first principal proposition was made by question, to know what members were armed and who were not.

Q. Who put that question?

A. It was put by several simultaneously, and I — a man by the name of Duncan; also Semmes, Walsh, Dr. Ayer, and several others. This was done without my calling the meeting to order, while we were sitting around the room. A motion was made to ascertain who could act as challengers at the polls on election day. Mr. Walsh, I think, stated that it was not safe to go there unless they were armed, and made a motion that those who could or could not procure arms to send in their names; that motion was carried.

Q. Was that motion made by Mr. Walsh?

A. I am not certain; he participated in the discussion, and so did Mr. Semmes and Straun. I think that Mr. Walsh made the motion, but I cannot state positively.

Q. Do you remember whether any persons in that hall sent in their names as not having arms?

A. There was a vote taken, and about two-thirds of the members reported that they had not arms. Then Mr. Walsh jumped up and pulled out a revolver, and said he would lend arms like that to any who wanted them.

Q. Did he say anything about any more that he had?

A. Yes, sir; he said these were the arms he would supply.

Q. What were they to be supplied for?

A. The challengers at the polls on Tuesday. I suggested that there should be three challengers. This challenging affair was something I was interested in, and I thought there ought to be three; and, there being sixteen wards, that we could make forty-eight, but on counting I found there were not enough to go round, and some that were there were not reliable, and I was very much disgusted with them before I got through.

Q. What action was taken after those named were sent up?

A. I think I appointed one committee for the purpose of seeing that those men had arms to be stationed at the polls.

Q. Was there not a committee appointed on arms and spies?

A. There was a committee spoken of in reference to supplies and arms. I think it was to consist of all the members of the order. We got short of men, and there were not enough to do duty at the polls. It was impossible to have a committee unless they all acted together, and I think each one promised to act in that capacity.

Q. Who appointed them?

A. Those who were appointed, I did. It was resolved that all should act as a committee at the polls, and see that those arms were properly distributed, and that all should be in their place on election day, and to see after supplies. We needed forty-eight, and there were not enough present. Mr. Semmes and, I think, Mr. Walsh and Mr. Strawn, offered to see that the committee was kept full.

Q. Were any more than these forty-eight challengers to be armed?

A. Not that I know.

Q. Was there anything said about persons being imported there for any purpose; and if so, for what?

A. Yes, sir; I think a man by the name of Duncan first alluded to the matter. I came there posted in reference to the law concerning elections, and I made a few remarks on the subject. Before I got through, I was interrupted by Duncan, who said that a large body of men had arrived there who were in the interest of "Long John Wentworth," and that we must be careful how they were allowed to vote. Before he got through, Mr. Walsh, who was very passionate and excited, said they were his men; they were all right, and that they must not be challenged; that they were his friends. He said they were there to

vote, and if any interfered with them they would get their fingers burnt. Duncan said that they were from Indiana; but Walsh said they were citizens of the State of Illinois, and that they were to vote. Walsh then came to me very much excited, and said he knew what he was about; and he said, "If I cannot vote them, I will fight them, by God."

Q. Was Judge Morris there that night?

A. No, sir.

Q. When did you join the order?

A. I think the 24th of June.

Q. At whose solicitation did you join the order?

A. At Judge Morris's.

Q. Who initiated you?

A. Judge Morris. It was a sort of rigmarole.

(A pamphlet, already in evidence, marked K K, was here shown to the witness.)

Q. State if you recognize these principles and this as the ritual to which you obligated yourself on initiation.

A. Ours was in manuscript. I recollect the fifth and the seventh sections distinctly, and I think the tenth; I am not certain.

(The witness here read to the court the fifth, seventh, and tenth sections from the pamphlet shown him as follows:

"5. Sovereignty resides in and with the people of the States respectively, which are parties to the Constitution of the United States. It cannot be alienated, neither can it be delegated. Some of its powers may be exercised by delegated authority, while others cannot be so exercised except at the sacrifice, on the part of the Constitution, of all that lends dignity to man's relation to government."

"7. In accordance with these principles, the federal government can only exercise delegated powers; hence, if those who shall have been chosen to administer that government shall assume to exercise power not delegated, they should be regarded and dealt with as usurpers."

"10. Whenever the officials to whom the people have intrusted the powers of the government shall refuse to administer it in strict accordance with its Constitution, and shall assume and exercise power or authority not delegated, it is the inherent right and imperative duty of the people to resist such officials, and, if need be, expel them by force of arms. Such resistance is not revolution, but is solely the operation of right.")

Q. Was that statement true, or false?

A. It was false, as to any complicity in the guilt.

Q. Is that the one (a paper in the possession of the judge) that was published in the Journal?

A. No, sir.

Q. Did you read the one published in the Chicago Journal?

A. No, sir; I never read any of them through from that day to this. There were portions, undoubtedly, that were correct; they were incorrect so far as I had any complicity in the alleged attack on Camp Douglas; that was false. I was denied access to newspapers in camp, and never saw them until I came out; the Evening Journal came out with a retraction next day.

Q. Who requested that retraction; was it your law partner?

A. No, sir.

Q. Have you heard Judge Morris say that the government was exercising undelegated powers?

A. No, sir; I only heard him make one speech, and there was nothing in that worth remembering, one way or another. I do not think he spoke of the administration, or the government, at all. It was confined to the financial condition of the order, which was in rather a bad condition.

Q. Do you know the acts and doings of the Democratic Central Committee of which you say you were a member?

A. Yes, sir.

Q. Was there ever any resolution of that body to collect money for the purpose of purchasing arms?

A. No, sir.

Q. Was the subject ever suggested to that body?

A. There was talk of it; there was a great deal of talk of the danger of the absence of a free ballot, and the mode of protecting ourselves was talked of. The usual mode was suggested, viz., by having prompt and proper challengers. The great danger was, not that our votes would not be polled, but that illegal votes would be polled by the opposition, and the great point was to have a prompt and efficient body of challengers at the polls during the day; that is how I felt, and I suppose the rest felt in the same way.

Q. Then they took no action, in the way of arming, to secure your rights, that you were afraid would be interfered with?

A. There was no action taken by the committee, as a committee?

Q. Was there any money collected by the committee for that purpose?

A. Very large sums were collected to spend, but I never knew any for that particular purpose. The subject of arming was talked of, but I never knew of its being acted upon.

Q. Do you know of any collections made for that special purpose of arming?

A. Not for the purpose of arming alone. I do not know what members might have thought it expedient to do; I believe the majority thought that it was expedient they should be armed, but no action was taken by the committee to procure arms.

Q. If there had been any levy or assessment for the purpose of arms, would it not have come through you?

A. I do not think it could have been done without our knowledge; we were the executive part of the party that run the machine.

Q. You say, do you not, that you were the Grand Seignior of the order in Chicago?

A. I was for a few weeks.

Q. Did you say you knew nothing of any contemplated interference with the rebel prisoners, on the part of that body?

A. Yes, sir.

Q. Did you see any acts there, that led you to believe that such was the purpose contemplated by any member of the order?

A. No, sir.

Q. Did you at the time of the election?

A. I saw a statement in the papers.

Q. Immediately after the preliminary examination which you have been questioned about, were you not paroled?

A. Yes, sir; I was discharged by you.

Q. Did you, in that examination, state your then recollection of these matters? (Objected to on the grounds that, if it was under oath, it was illegal, and if not, it was incompetent.)

The court was cleared for deliberation.

The court being reopened, the judge advocate announced that the objection was overruled.)

Q. Was that impression at that time as good as now?

A. Yes, sir.

Q. Do you recollect any statement that you made in reference to your belief or judgment as to what the arms Walsh had were to be used for?

A. Yes, sir; I think I do.

Q. Please to state what that was.

(Objected to, and question withdrawn.)

Q. State if, from what you learned from Mr. Walsh, or others connected with that order, you came to the conclusion as to what those arms were to be used for.

(Question objected to by the accused.

The court was cleared for deliberation.

The court being reopened, the judge advocate announced that the objection was overruled.)

The witness continued :

A. I did not from Mr. Walsh, but from others, in connection with Mr. Walsh, I had a conclusion at one time.

Q. What conclusion was that at the time you made this statement to me?

A. At the time of my interview with you, I had a conclusion, namely, that there was an attack to be made upon Camp Douglas, and that Mr. Walsh was concerned in it.

Q. Did he, or did he not, state anything about this man being brought to Chicago in his official capacity?

A. I think he did; he said they were my men, or he brought them here, or that they were here by my orders, in my official capacity.

Q. Did he explain what that official capacity was?

A. He was talking to the meeting.

Q. Did he state where these men came from?

A. Some one said, or whether, said it or not I am not certain, that they came from Christian county, Illinois, near Springfield.

Q. Did he state what number were coming?

A. I do not know; I think sixty were alluded to by some one.

Q. State if on the election day, or about that time, you had any conversation with Doolittle in reference to the attack on Camp Douglas.

A. I did.

Q. State what that was.

(Question objected to on the ground that it was after the arrest.

The court was cleared for deliberation.

The court being reopened, the judge advocate announced that the objection was overruled.)

The witness continued :

A. I had a conversation with Mr. Doolittle on the morning of the election, November 8, 1864. I called his attention to the arrests made on Sunday night, and asked him what they meant, and if there was any such thing as was mentioned in the papers—that they were going to release the prisoners at Camp Douglas—and asked him if there was any such purpose. He replied he did not know. I asked him if it was true that Mr. Walsh was a brigadier general in the Sons of Liberty. He said he was, and that Mr. Walsh said that those arms belonged to the Sons of Liberty, and that they had a large amount of money. I think he spoke something about Colonel Barrett, of St. Louis, having money sent him to buy arms. I think he said \$60,000.

Q. What, if anything, did Mr. Doolittle say at that time about \$60,000 having been furnished by Colonel Barrett, of St. Louis, to the Sons of Liberty, with which to purchase arms?

(Question objected to as illegitimate and immaterial.

(Objected to by Judge Bartley, in behalf of Judge Morris, as not pertaining to the examination-in-chief, and asked for statements after the transaction.

(Objected to by Judge Wilson, in behalf of Grenfel, that the evidence sought as evidence-in-chief should have been introduced in the examination-in-chief, if at all.

The court was cleared for deliberation.

The court being reopened, the judge advocate announced that the objection was overruled.)

The witness continued:

A. Doolittle told me that they had \$60,000, which had been sent by Colonel Barrett, of St. Louis. He said they belonged to a circle of some kind, I do not know what, connected with the council of the Sons of Liberty; that they had met in June or July in Chicago, and he was a member of it.

Q. Was it to arm the members of the order?

A. He did not say who were to be armed.

Q. Did he say anything about Mr. Walsh having part of the arms?

A. He said he supposed Mr. Walsh had part of the arms. He spoke about Walsh having some of those arms furnished by Colonel Barrett.

Q. Did you have any talk in reference to a meeting that was to be held on Sunday night?

A. Yes, sir, I did, with Mr. Strawn, Doolittle, and Dr. Ayer.

Q. What was that meeting called for?

A. I learned that there was to be one at Dr. Ayer's office that night, to take steps in behalf of the citizens arrested, so as to release them. The method of releasing them was discussed. Mr. Strawn and Dr. Ayer were the principal persons who spoke to me about it. Mr. Doolittle spoke: he wanted to go and release them and break down the camp, but said nothing definite. I told him I should not be present.

Q. Upon what was it that you based your conclusion that there was a contemplated interference with Camp Douglas?

A. It was from the talk with Mr. Walsh on Sunday night in connection with facts I subsequently heard from other persons. It was about what he said as to voting or fighting the men.

Q. When Colonel Sweet spoke of permitting you to escape, was it simply saying that he would release you if you would assist him in getting S. Corning Judd, the grand commander?

A. It was to have it reported that I had escaped. I was to be released to go to Judd and find out what Judd had done, or, in connection with this transaction, to get some evidence against Judd.

Q. State whether Colonel Sweet, at any time, said anything in reference to your gathering the abstracts found connected with that order.

A. No, sir; he did not say anything further than to get Judd, and get evidence against him; that was the language he used; he did not go much into the matter. It was repulsive to me, and I declined.

Q. Was there any effort on the part of Colonel Sweet to gather from you or press you in any way further than to get what had occurred?

A. I was treated very courteously. He made some statements to me which I have since found were not true. Some of the statements I do not think he could have known to be true—he probably might—but were used as detectives by Colonel Sweet. I thought so.

Q. Do you know to the contrary from anything?

A. Some things that have been developed on this trial have led me to believe that certain statements Colonel Sweet made to me were not true. I do not know it as a matter of fact.

Q. Do you know, by any direct testimony, that anything he said was not true at the time?

A. No, sir.

Q. Was there any effort on the part of Colonel Sweet to entrap any person into any act that was not true?

A. No, sir; I do not know any.

Q. Was there anything like oppression exercised upon you to get you to make a case against any person?

A. I do not know that I could say. I have a belief of certain things he did in the capacity of a detective to find out what he could.

By E. G. ASAY, esq. :

Q. Have you stated all that Colonel Sweet said to you in reference to any reward he expected for the part he had taken in the transaction?

A. I have.

Q. What did he say he expected to get?

A. At the second or third interview he said, if things were all right, he expected to be made a brigadier.

Q. Did he state he expected to be made a brigadier, if things were all right, at the time you were a prisoner at Camp Douglas?

A. Yes, sir.

Q. Did you reject that very generous offer from Colonel Sweet on the ground that you conceived it to be dishonorable employment?

A. Yes, sir.

Q. Do you say that you formed an opinion from some things you afterwards learned were untrue?

A. Yes, sir.

Q. Did he state at the time, and was that a part of the reason that Walsh was engaged in the conspiracy of the kind charged here, that Walsh had made a confession and admitted the fact?

A. Not Walsh alone; it was told us at our meals that Walsh and Marmaduke had made full confessions.

Q. Is that from what you formed your opinion, that it was based upon these statements?

A. Yes, sir, it was that, and also what took place on Sunday night.

Q. Have you since learned that they were false?

A. I have since known things which have led me to suppose that they were false.

Q. Is there any such thing in existence as a confession of Walsh and Marmaduke being engaged in this alleged conspiracy?

A. Not that I know; it was upon that I based my opinion.

Q. What was the condition of Walsh at that meeting?

A. Pretty drunk and noisy.

Q. Then you have based your opinion, that such a conspiracy might exist while you were yet a prisoner, formed upon the drunken statement of Walsh, and the pretended statements you had heard at Camp Douglas?

A. Yes, sir; I cannot specify any particular thing.

Q. Had the statements of Doolittle much or little influence in forming your opinion?

A. They had some influence; I cannot say how much.

Q. Would you have believed that such a thing existed had you not been told that these men had made confessions?

A. That was the principal thing on which I based my opinions.

Q. Is it a fact that Doolittle is regarded in Chicago as a man without character of any kind, except being the whipper of a schoolmaster some years ago?

A. He is a man without character, and lacks heart, brains, and money, and everything else.

Q. Is it not a fact that he was once sent to prison for getting two "roughs" and whipping a schoolmaster?

A. Yes, sir. He made one of the roughs himself and was sentenced to three months' imprisonment.

Q. Were not Dr. Ayer and this man Doolittle great cronies—going about the streets hob-nobbing together?

A. I had not enough to do with either of them to speak positively.

Q. Were their speeches of the same general character in the order?

A. To a certain extent. Dr. Ayer was the more sensible.

Q. For what purpose did Walsh propose to furnish arms at that Sunday night meeting?

A. There was no particular purpose except for supplying challengers.

Q. Did not Walsh state at that Sunday night meeting that he hoped to God there would be no necessity to use the arms, though they were to be distributed?

A. He stated something of that kind. He made a long speech that had not much sense in it.

Q. Did Walsh, at that or any other time, say anything in reference to the release of the prisoners at Camp Douglas?

A. No, sir.

Q. When did you become a member of the central committee?

A. I suppose I was appointed at the September or October convention of 1864.

Q. Had you met with that committee before September?

A. No, sir.

Q. Was the committee an effective working committee in July?

A. No, sir; it did not exist. It has the power of calling the next convention; that is substantially the beginning and end of its power.

Q. Do you know for what purpose all the money was used that was raised?

A. For general campaign purposes. I do not know for what purpose it went.

Q. Have you any reason to believe that there was a large amount of money raised by the democratic party for the purpose of electioneering?

A. Yes, sir; we always raised large sums; the more we got the better.

Q. Was there not a large amount of money raised by the democratic party the amount of expenditure of which you know nothing?

A. Yes, sir. I knew little about the expenditure, and when I found from the secretary that it would take nearly all my time, I refused to serve, and my connection was more in the way of getting speakers, &c.

Q. Was Dr. Ayer at the Sunday night meeting?

A. He made a great many speeches.

Q. Did he make as strong and brilliant speeches as Mr. Walsh?

A. He made better speeches, because he was sober—Walsh was not.

Q. Did you attend the meeting at Ayer's office?

A. No, sir.

Q. What was the character of Dr. Ayer's speeches?

A. All the speeches were very violent and disgracing; a great deal of frothy talk about a free ballot and free fight. Dr. Ayer pledged himself to stand by the principles of liberty; and Walsh said substantially the same thing.

Q. Was there considerable talk about the raising of money among the members of the society?

A. Yes, sir; we always tried to get all the money we could; we were always hard up.

Q. Had you up to the hour of Walsh's arrest ever heard of his being a brigadier general?

A. No, sir; not up to the hour of his arrest. I never knew anything of the military character of the club.

Q. Was there anything said in this Sunday night meeting in reference to the release of prisoners?

A. No, sir.

Q. Did not Walsh, in the remarks he made to you, say that the democracy should be careful not to challenge their own men, as "Long John" was playing off his men?

A. Not exactly; a great deal was said about "Long John," and that he in-

tended to colonize voters—that is, to take voters from a strong district into one that was weak, and the fear of this was what was talked of and discussed.

Q. Was it not loudly talked of in Chicago that "Long John" would carry certain polls, and that the democrats would do the same?

A. Yes, sir.

Q. Do you know of Walsh's activity in Father Dunn's regiment?

A. Yes, sir. I raised a company of cavalry for my brother. Walsh was active in the raising of those troops.

Q. Was not the sole object of that Sunday night meeting to make arrangements for the election to be held on the following Tuesday?

A. So far as I understood it, it was. I went there with that idea and nothing else, and I suspected no other object until after the arrest.

Q. Did you find out other objects?

A. I only suspected from what I heard at Camp Douglas.

By the JUDGE ADVOCATE:

Q. State whether or not the statement made to you by Colonel Sweet was nothing more than the confirmation of the opinions you had previously formed.

A. It is hard to state whether or not I had formed an opinion. I cannot say that I did form an opinion that there was a conspiracy until after my arrest. I just heard of this conspiracy on the morning of Monday the seventh, when I was going to my office. A policeman told me that Charles Walsh had been arrested for an alleged attack on Camp Douglas. Of course the proceedings which took place the night before came to my mind, and Tuesday morning when the affair came out in the papers, and there were some statements there that led me to doubt the whole thing. After my arrest and conversation (I do not know that I was with Colonel Sweet alone) in camp, it was said that Walsh and Mar-maduke had made full confessions, and putting all together, I came to the conclusion, in camp, that there was something in it.

By E. G. ASAY, esq.:

Q. Is it not a fact that a long article appeared in the Chicago Journal purporting to be a confession written by yourself, or a confession made by yourself, in which you admit guilt in this transaction?

A. I believe there was such a statement made in the papers.

Cross examination:

By the JUDGE ADVOCATE:

Q. Did you read that publication in the journal?

A. No, sir.

Q. Do you know that statement was a different statement you made to Colonel Sweet?

A. I cannot say that I do.

Q. Was it not the comments of the paper rather than the statement?

A. It might have been so.

Q. Were not these statements restricted only when their commentation was called?

A. Yes, sir.

By the COURT:

Q. Did you not say that Mr. Walsh offered to lend arms to the members present at the Sunday night meeting?

A. Yes, sir.

Q. Did he say, in the presence of that meeting, that the democratic party had any interest in those arms, or that they were the property of the committee?

A. I think he said that the arms did not belong to him, but that he had them in his possession.

Q. Did the judge advocate make your release conditional precedent to your

giving evidence in this case? Was it not stated to you that your statement would have no bearing either one way or the other?

A. The judge advocate said it would be a matter of no consequence either way.

Q. What did Dr. Ayer state to you at the time yourself, Mr. Strawn, Doolittle, and Dr. Ayer were conversing on the subject of releasing Walsh?

A. There seemed to be a coincidence of ideas that those prisoners must be gotten out of Camp Douglas, but I could not state positively the exact language of any of the three.

JOHN A. HAHN, a witness for the accused, was then introduced, and being duly sworn by the judge advocate, testified:

By the accused:

Q. State your name, residence, and profession.

A. John A. Hahn; practitioner of medicine; my residence is Chicago, where I have lived since 1854.

Q. Are you acquainted with Charles Walsh?

A. Yes, sir; for about ten years I have been his family physician.

Q. Do you know his general character in Chicago as a loyal citizen?

A. I never heard anything against Mr. Walsh, or his loyalty questioned, until the time of his arrest.

Q. State any matters within your own knowledge on which you base your opinion of his loyalty.

A. His exertions in getting up regiments in Chicago for the government. The first regiment was afterwards called the Irish Brigade, commanded by Colonel Mulligan; a great many of the men were personally acquainted with me, and Mr. Walsh was at me very often for a great while to accept the appointment of surgeon to the regiment. I said I did not think it would pay, and he assured me if I would go he would see that the regiment paid me extra beyond the pay I would receive from the government. He then expected to be colonel, and I thought myself, though it was none of my business, that he was spending a great deal more time and money than he ought to. I told him I thought he was doing so, and nobody will thank you for it after you are through, as I knew it was injuring him very much. "Well, sir," he said, "this war is wrong, and it is every man's duty to go in and put down this rebellion." I said, well, take your own course. He went to get the regiment accepted, at Springfield, by the governor, but the number of regiments called for being full, it was not accepted. Afterwards Colonel Mulligan went to Washington and got it accepted. After his return the first thing I knew was Mulligan was elected colonel. Mr. Walsh told me he thought Mulligan was entitled to it, and he did not think he ought to ask for it and would not take it.

Q. From that time up to the hour of arrest, was not Mr. Walsh well known to be among the active persons taking an active part for the suppression of this rebellion?

A. Yes, sir; I believe that was the general impression. I never heard a word to the contrary until his arrest.

Cross-examination:

By the JUDGE ADVOCATE:

Q. Do you give your answer to Walsh's reputation, from these facts, or from general reputation?

A. From both.

Q. Have you heard his loyalty spoken of at all?

A. No, sir; from that fact I suppose it was never doubted.

Q. Were there two parties in the democratic party?

A. I knew there were probably differences of opinion in the democratic party.

Q. Do the democratic party in Chicago believe in the doctrine of putting down the rebellion, and raising troops to that end ?

A. Yes, sir.

Q. Do they use efforts to that end ?

A. Yes, sir ; there were about five democrats, if not more, went into the army from Chicago, to one republican.

Q. Do they believe in the doctrine of that party, as enunciated by those who staid at home ?

A. The party as a party was a war party, though there might have been individuals opposed to the war.

Q. Have you any evidence of that ?

A. Yes, sir ; that the democrats were very willing to enlist and go into the army.

Q. Was not that based upon the individual opinions of these men, rather than from the doctrines of the party ?

A. I cannot say.

Q. Was it not the meetings that were called by the democratic party, for the purpose of carrying on the war, and lending their assistance to put down the rebellion ?

A. I think so. We had up to a year ago a strong democratic party, and they voted and appropriated money for the purpose of carrying on the war.

Q. Then you know nothing in the conduct of the democratic party as a party that was at all in contravention with the theory of prosecuting the war to put down the rebellion ?

A. I think a vigorous prosecution of the war was the generally received opinion of the democratic party. If you allude to the organs, I cannot say that I agree. The Chicago Times is not an organ of the democratic party, though many believe in it.

Q. Was not the Post, by its declarations and conduct, a war paper, and so distinguished ; not that the distinguishing features between the Times and Post ceased ?

A. I do not think the Times is the organ of the entire democratic party.

Q. Is not the Post distinguished from the Times as the organ of the war party, in that it is in favor of the war, but opposed to everything else that is done by the administration ?

A. I do not know that the Post opposed a great many measures of the administration. I do not think it does. I hardly do that myself.

By E. G. ASAY, esq. :

Q. Have you not been in politics a great many years ?

A. I have been a voter for forty-four years.

Q. Did you ever know the "outs" to encourage the "ins" ?

A. No, sir ; they have generally tried to be a thorn in their sides.

Q. Were you a member of the common council that appropriated money to raise soldiers ?

A. Yes, sir.

The commission then adjourned to meet on Monday, March 20, 1865, at two o'clock p. m.

COURT-ROOM, CINCINNATI, OHIO,

March 20, 1865—2 o'clock p. m.

The commission met pursuant to adjournment.

All the members present excepting Colonel Benj. Spooner ; also the judge advocate, the assistant counsel, the accused, and their counsel.

The proceedings of Friday were read and approved.

DANIEL O'HARA, a witness for the accused, was then introduced, and being duly sworn by the judge advocate, testified as follows :

By the accused :

Q. State your name and residence.

A. Daniel O'Hara ; I reside in Chicago ; have lived there for 14 or 15 years.

Q. What official position do you hold ?

A. I am clerk of the recorder's court.

Q. Do you know the accused, Charles Walsh ?

A. Yes, sir ; I have known him ten years.

Q. To what political party do you belong ?

A. I am a Douglas democrat.

Q. Did you, during the summer and fall of 1864, about and at the time of the presidential election, know of the existence of any arms in quantity for the use of the democratic party in Chicago ?

A. Yes, sir.

Q. In whose possession did you know them to be ?

A. In the possession of Charles Walsh.

Q. In what shape were they ?

A. In boxes, according to his own statement to me.

Q. What kind of arms were they ?

(The testimony was objected to by the judge advocate as hearsay evidence. The court was cleared for deliberation. On being reopened, the judge advocate announced that the objection was sustained.)

Q. Do you know Robert Alexander, who testifies here ?

A. Yes, sir.

Q. Did you ever speak to him in reference to the objects of this association that has been called in question here ?

A. Yes, sir.

Q. What did he say in reference to it ?

A. He said he was a member of it.

Q. What did he say they were doing ?

A. The conversation occurred in my office between myself and Alexander. I said I understood that, in despite of all this acrimonious feeling manifested by republican newspapers to democrats, tending to intimidate democrats from voting, there was a secret society in existence, whose duty it was to protect—

(The testimony was objected to by the judge advocate as incompetent.

The court was cleared for deliberation. On being reopened, the judge advocate announced that the objection was sustained.)

Q. Do you know of any fund having been raised prior to the nomination for the presidency for the use of the democratic party ?

A. Yes, sir ; I believe there was. I think I contributed myself.

Q. Do you know of any further fund raised subsequently to the nomination, and prior to the election, for the purchase of arms for the democratic party ?

A. No ; I do not.

Q. Do you know of Walsh collecting any fund ?

A. I knew that Walsh was always very active in anything pertaining to the democratic party.

Q. Do you know of his assisting in raising that fund ?

A. Not of my own knowledge.

Q. Had you any reason to know that a portion or all of the fund raised by the democratic party was to be absorbed for the purchase of arms to protect the polls ? Have you any knowledge on that point ?

A. Not on that special point alone.

Q. Have you any knowledge that the fund thus raised was to be used for the purpose of getting arms ?

A. It was a matter of general conversation.

Q. Have you any knowledge that the money was to be raised ?

A. I have knowledge that it was used for the purposes of the party.

Q. Have you any knowledge that it was used for the purchase of arms ?

A. Not for the purchase of arms alone.

Q. Have you any knowledge that any portion of it was used for the purchase of arms ?

A. I have not.

Q. Have you any knowledge from hearsay ?

(The question was objected to by the judge advocate as illegitimate.

The court was cleared for deliberation. On being reopened the judge advocate announced that the objection was sustained.)

Q. Did you know the general reputation of Charles Walsh as a loyal citizen up to the time of his arrest ?

A. Yes, sir. I never heard anything interrogated as to his character.

Q. Do you know of any part he took in raising the quota of Cook county ?

A. Mr. Walsh was always very active in raising troops. He made himself very useful in the last call, giving his money and personal attention.

Q. Was the quota finally raised just before the arrests ?

A. I think a short time preceding.

Miss CLARA TOWSLEE, a witness for the defence, being duly sworn by the judge advocate in the presence of all the accused, testified as follows :

By the accused :

Q. Please state your name and place of residence.

A. Clara Towselee ; I reside in Chicago, Illinois.

Q. Do you reside near Mr. Walsh's house ?

A. Yes, sir ; directly back of it.

Q. Were you there on the Monday evening of the democratic convention ?

A. I was, sir.

Q. At what time did you go there ?

A. About nine o'clock, and remained there one hour.

Q. Was Mrs. Walsh at home ?

A. No, sir ; but her two daughters were.

Q. Did you go through the house pretty well on that evening ?

A. I did, sir.

Q. Was there a servant there ?

A. Yes, sir.

Q. Do you remember a little room out of the back parlor ?

A. Yes, sir.

A. Was your attention called to that room on that evening ?

A. Yes, sir.

Q. Was the door open or shut ?

A. It was open.

Q. What was done that called your attention to that room ?

A. One of the young ladies brought a dress out of it.

Cross-examination by the JUDGE ADVOCATE :

Q. Were you in all the rooms in the house ?

A. Not all ; I passed through all the lower rooms.

Q. Did you see any arms, cartridges, or powder in the house ?

A. No, sir.

WILLIAM H. BUSHELL, a witness for the defence, was then introduced, and being duly sworn by the judge advocate, testified as follows :

By the accused :

Q. State, if you please, your name, residence, and occupation.

A. William Henry Bushell; I am prisoners' accountant, and reside in Chicago, Illinois.

Q. How long have you occupied that position?

A. For about two years.

Q. Were you prisoners' accountant at Camp Douglas under the administration of Colonel Deland?

A. Yes, sir.

Q. Who preceded Colonel Sweet?

A. General Orme.

Q. Do you know John T. Shanks?

A. I do.

Q. How has he been employed at Camp Douglas for the last year and a half?

A. Part of the time he was in the post surgeon's office, and part of the time in the rebel post office, where letters addressed to prisoners of war are distributed.

Q. Are the letters opened there?

A. No, sir.

Q. Do the authorities at Camp Douglas allow letters to pass into the hands of the prisoners of war without being opened?

A. No, sir; they are opened by the "examiner."

Q. Do you recollect having any application made to you by Charles C. Copeland, of Chicago, to find out what had become of a letter addressed to him which had got in among the prisoners' letters?

A. I do; he came over and inquired if there was a letter of his there.

Q. Did you make any investigation to find out whether there was such a letter?

A. There was a letter which, I think, had been advertised; it was lying on my table.

Q. Was there any indorsement upon that letter? If so, what was it, and in whose handwriting was it written?

A. There was an indorsement upon that letter, but I cannot say in whose handwriting; I took the letter to Colonel Deland.

Q. Where is Colonel Deland now?

A. I understand he has gone to Spain as United States consul.

Q. In consequence of any observation made by Colonel Deland, did you take Mr. Copeland anywhere in the camp?

A. Yes, sir; I went with Mr. Copeland down to Mr. Shanks, who was then at the surgeon's office, in accordance with Colonel Deland's directions.

Q. Have you seen Mr. Shanks's handwriting?

A. Yes, sir, many a time.

Q. Have you ever seen him write?

A. Yes, sir.

Q. Do you recollect the appearance of the handwriting of the indorsement on that letter sufficiently to say, according to your best impression, whether it was Shanks's handwriting or not?

A. I cannot; I merely looked at it, and then took it in to Colonel Deland. After I took Mr. Copeland down to Shanks, I left him there.

Q. What was the indorsement upon that letter?

(Question objected to by the judge advocate on the ground that if the letter is in existence, it should be introduced as evidence itself. Question withdrawn.)

Q. Did you have charge of the prisoners' moneys?

A. Yes, sir.

Q. Do you know whether Mrs. Judge Morris deposited any money for Shanks?

A. I do not; I know he had several credits there.

Q. Do you know Ms. Morris when you see her?

A. Yes, sir.

Q. Have you ever seen her in Camp Douglas?

A. I have many times.

Q. Have you any recollection of Mrs. Morris depositing any money for Shanks?

A. I do not think I have; I could not say without the books, as there are so many credits on it.

Q. Where is that book?

A. In Camp Douglas.

Q. Have you ever looked at that book to ascertain whether there is any entry for thirty dollars (\$30) about the time of this transaction with Copeland?

A. No, sir.

Q. If there were any entries made at that time, is that book now in use?

A. No, sir, it is not.

Q. Can you procure that book which was in use then without detriment to the service?

A. I can, sir.

WESLEY JOHNSON, a witness for the accused, was then introduced, and being duly sworn by the judge advocate, testified as follows:

By the accused:

Q. Please state your name, occupation, and residence.

A. Wesley Johnson; I am a bookkeeper, and reside in Paoli, Ogle county, Illinois.

Q. Did you ever reside in Austin, Texas?

A. I did, from 1857 to August, 1860.

Q. What was your business there?

A. I was a merchant.

Q. During the time you resided in Austin, was there a man named John T. Shanks there, who was a clerk in the land office?

A. So I understood.

Q. Did you ever see him?

A. I think so, but I would not probably recollect him. I know that there was a man of that name who had been a clerk in the land office.

Q. Do you know whether he had been arrested?

A. Yes, sir.

Q. For what?

A. For a forgery.

Q. Did you see the warrant upon which he was arrested?

A. Yes, sir; I saw it in the hands of Captain Mullett; he was the officer who arrested him.

Q. State the circumstances under which Captain Mullett showed you the warrant for Shanks's arrest.

A. I was boarding with Captain Mullett at the time he was clerk in the land office—at the time I am speaking of, (formerly from South Carolina; he was in the Mexican war, captain of a palmetto regiment;) he took me aside one night, and told me there had been a forgery in the land office.

Q. State what took place when he showed you the warrant for the arrest.

A. When Captain Mullett had this warrant he showed it to me, and I read it. It was a bench warrant issued by the judge against John T. Shanks, to arrest him for forgery in the land office. Captain Mullett wished me to hold the idea, in case any one inquired for him in his absence, so as to keep down suspicion, for fear some friends of Shanks might get ahead of him, and report to Shanks that a person was after him, and Shanks would escape. Captain Mullett started with the warrant to arrest Shanks.

Q. Do you know anything about his taking handcuffs?

A. Yes, sir ; I saw him take them ; he also had arms, and a pair of old saddle-bags. It was from four to seven days before he returned.

Q. Was the arrest made ?

A. So I understood ; it was reported in the State, and it was reported to me that he was brought back.

Q. How long was he in jail ?

A. I do not recollect, for I left in 1860 ; and the arrest was made in 1859. I think—my impression is—that he was in jail when I left.

Q. Have you any recollection of his being tried ?

A. No, sir. I recollect being in the senate chamber of the legislature of 1859-'60, when a bill was passed appropriating an amount, \$200 to \$500, for the services in arresting John T. Shanks.

Q. Was the arrest of this offender a matter of extraordinary interest ?

A. Some arguments were used in the senate chamber on the bill ; the bill was passed, however.

Q. What was Shanks's character ?

A. After that it was considered very bad.

Q. What was his reputation as to being a desperado ?

A. He was so regarded, as Mullett was the only one that would go up to arrest him out of two or three that had been selected.

Q. What was his character as to being a reckless desperado ?

A. It was that he was a man of desperate character.

Q. From the character he sustained with the people of Austin, would you believe him under oath ?

A. I do not think I would.

Cross-examination :

By the JUDGE ADVOCATE :

Q. Where do you reside ?

A. At Paola, Illinois, where I have resided five years.

Q. Where did you come from ?

A. Texas.

Q. Do you say you do not recollect seeing Shanks ?

A. I do not recollect, though it is my impression that I have. I think he had an account in our store. I think the bookkeeper stated that a small account was paid by John T. Shanks.

Q. Do you know whether there was another John T. Shanks in Austin ?

A. The one I refer to is John T. Shanks.

Q. Had you any personal acquaintance with Shanks ?

A. No, sir.

Q. Then all that you know is what Captain Martin told you ?

A. I saw the warrant, and I know that preparations were made for arresting him ; but the rest of the circumstances is from hearsay. I did not see him in person, and I did not know of my own knowledge that he committed the offence, or was tried, or convicted or acquitted. I know nothing at all about it, except you will let me tell you some preliminaries.

Q. How long were you in Austin ?

A. Up to August, 1860.

Q. Had the trial taken place before that, would you not have known it ?

A. I probably might. I have no recollection of hearing of his being tried there, or anything in reference to the trial. All I know is that it was stated that he was in prison, and that his father came down to bail him, but being worth nothing, he could not bail him out.

Q. I wish you to reply to what you know. You do not know but that warrant might have been issued upon a false affidavit ?

A. I do not. I know that a paper of that kind was issued, and that it was signed by the judge, because I saw his name, but I did not see him write it; but we imagine the papers are issued by the judge when we see the name and the seal attached. I think we get our knowledge from writing and books, and this is how we judge.

Q. When that paper passed through your hands did you know whether there was any quarrel between Mullett and Shanks at that time?

A. I did not know; I do not think there was.

Q. Do you not know that they were bitter enemies at that time?

A. I do not know.

Q. Do you not know it as a fact, that at that time in Texas there was a lawless condition of society, general killings, feuds, and general breaking of the civil law?

A. I can only give an opinion; there were men killed there as in other States. I know that the frontiers of Texas are very thinly populated, being occupied by Comanche Indians, and that life is unsafe.

Q. You say, do you, that after this affair his reputation was bad. Did you hear anything of his reputation previous to that?

A. No, sir. (I know he quit the law office. I am only giving an opinion; of course I did not see him go off.) Before I heard Shanks spoken of in connection with this forgery, in my store—and it was in everybody's mouth concerning this arrest—and hearing it repeated so often, and knowing, as you think I do not know, but as I think I do know, that he was arrested, it attracted my attention, and from that I came to the conclusion (if that is evidence) that his word would not be taken in any court.

Q. In the first place, have you ever heard his character for truth and veracity talked about by any person?

A. It was a subject-matter of conversation in the store, about his forgery and about his character, and they did not appear to put any great weight on it.

Q. Did you hear any person say anything about Shanks's reputation for truth and veracity?

A. I think I did.

Q. Who?

A. I do not recollect; it was a topic of common conversation.

Q. Name one person whom you have heard speak of him.

A. I could not name any person, but it was a matter of common conversation.

Q. Did you ever hear a word said about his character, except in connection with the commission of this offence?

A. No, sir.

Q. Was it not in reference to his having committed this offence, and not to his general reputation for truth and veracity?

A. It was in connection with it that it was said a man who would be guilty of the crime of forgery would commit almost anything else to cover it up, so that he would not hesitate to lie to cover it up. I do not think I ever heard anything about Shanks's character for truth and veracity except as connected with this offence.

Q. Do you say that Shanks was out of the land office in 1858?

A. I so understood. I went there in 1857.

Q. Was this offence committed before he went out of the land office?

A. Yes, sir.

By T. W. BARTLEY, esq.:

Q. Do you remember the circumstance of Colonel Sublett and Maurice Davis getting into a difficulty, and Colonel Sublett being killed?

A. I did not see it done, but I was in Austin at the time, and I can state it as I understood it to be.

Q. Was Colonel Sublett killed in an affray with Maurice Davis?

A. He was.

Q. Was Maurice Davis prosecuted for the homicide?

A. Yes, sir.

By the JUDGE ADVOCATE:

Q. Do you recollect the date when Colonel Sublett was killed?

A. I think it was in 1858 or 1859.

By T. W. BARTLEY, esq.:

Q. State whether Maurice Davis was in prison at the same time Shanks was in prison for this alleged offence.

(The question was objected to by the judge advocate, and the question was withdrawn.)

Q. How did the time that Shanks was arrested and imprisoned correspond with the time when Davis was prosecuted for the homicide of Colonel Sublett?

A. It was about the same time.

(On a question being offered by the president of the court, it was objected to by a member of the court.

The court was cleared for deliberation. On being reopened, the judge advocate announced, as the decision of the commission, that the question pass through the president to the judge advocate.)

By the JUDGE ADVOCATE:

Q. What was the name of the judge who issued the bench warrant against Shanks?

A. Judge Terrel.

Q. Did you see his signature to the warrant?

A. I did; I am positive of that.

The commission then adjourned to meet Tuesday, March 21, 1865, at 11 o'clock a. m.

MILITARY COMMISSION, CINCINNATI, OHIO,

March 21, 1865—10 o'clock a. m.

The commission met pursuant to adjournment. Present, all the members excepting Colonel Benjamin Spooner; also present, the judge advocate, the assistant counsel, the accused and their counsel.

The proceedings were read and approved.

Miss Clara Towslee, a witness for the defence, being recalled, testified as follows:

By Judge WILSON:

Q. Were there any gentlemen in Mrs. Walsh's house on the Monday night of the convention?

A. I did not see any; I passed through all the lower rooms and two of the upper.

Cross-examination by the JUDGE ADVOCATE:

Q. About what time in the evening were you in Mrs. Walsh's house?

A. From about nine to ten o'clock; I left about ten o'clock.

Q. What evening was that?

A. It was on Monday evening, August 29, 1864, the first evening of the democratic convention.

Q. How are you enabled to fix that date?

A. Because I remember it was at the time of the convention.

Q. How do you know it was?

A. I remember we arranged our plans for going to the convention the next day.

Q. How many days did the convention sit?

A. Three days.

Q. How do you know you arranged to go to the convention on the second day?

A. Because we only went one day. Monday we did not go; Monday night we arranged to go on Tuesday; Tuesday we went, and on Wednesday my mother was sick, and I did not go.

Q. Is there anything outside of your memory that enables you to fix these dates?

A. I know that Mrs. Walsh was not home on Monday; but she was on Tuesday, as I went to the convention and met them there. The convention sat on Monday, Tuesday, and Wednesday, and I know I was there on the second day.

Q. Are you certain it was not the last day of the convention?

A. I am.

Q. Did the convention sit the next day?

A. Yes, sir.

Q. What makes you certain of these dates?

A. I have no further proof than what I have given you.

Q. You say, do you, that you were at the house about an hour?

A. Yes, sir.

Q. Did you take any note of the time when you went there?

A. I do not recollect of doing so; but I know it was about nine o'clock.

Q. Did you look at the time when you returned?

A. I took a walk with Miss Blish and the two Misses Walsh. It was a bright night, and we walked around the block a distance of about half a mile; it was about half past ten o'clock p. m. when I got home.

Q. Was it moonlight or twilight?

A. I know it was not twilight, but I do not remember whether it was starlight or moonlight.

Q. Did they go clear home with you?

A. No, sir; I left the Misses Walsh at their gate.

Q. Do you know who was at Mr. Walsh's?

A. No, sir.

Q. Did you hear the girls speak about any beaux being present?

A. No, sir.

Re-examination:

By Judge WILSON:

Q. State whether the first day of the convention was of so much importance that you would remember it.

A. Yes, sir.

Q. Is that the reason you talked on the evening of the first day about going the next day?

A. That is the only reason.

By the JUDGE ADVOCATE:

Q. Do you remember whether or not General McClellan was nominated on the day you were at the convention?

A. I think he was nominated on Tuesday, and I think it was on that day I was there.

Q. Do you remember the shouting and clapping of hands?

A. I think I do.

(On Judge Wilson desiring to put a question to the witness, it was objected to by the judge advocate.)

The court was then cleared for deliberation. On being reopened the judge advocate announced to the accused that the objection was sustained.

Judge Wilson then requested the privilege of recalling the witness to cross-examine on a question put by the judge advocate; he wished to ask whether the clapping of hands was on the nomination of McClellan, or the nomination of Seymour as chairman of that convention—to which the judge advocate objected.

The court was then cleared for deliberation. On being reopened, the judge advocate announced to the accused that the objection was overruled.)

By Judge WILSON :

Q. Can you tell whether the clapping of hands was over the appointment of Mr. Seymour as chairman of the convention, or whether it was over the nomination of McClellan ?

A. I think it was over the nomination of Seymour as chairman.

Wesley Johnson, a witness for the accused, was then recalled, and testified as follows :

By Judge BARTLEY :

Q. Was the land office of which you spoke yesterday a State institution, or the United States land office ?

A. It was a State land office; the land of Texas belongs to the State, and the business was transacted in that office.

Q. Was the judge you referred to as signing the warrant a State judge ?

A. Yes, sir.

Daniel O'Hara, a witness for the accused, was then recalled, and testified as follows :

By E. G. ASAY, esq. :

Q. Did you attend the sittings of the democratic convention in Chicago ?

A. Yes, sir.

Q. Were you there on the Tuesday of the convention ?

A. Yes, sir.

Q. Was there considerable cheering and clapping of hands on any occasion on that day ?

A. Yes; there was a great deal of enthusiasm on the election of Seymour as chairman.

Q. Upon what was that demonstration made ?

A. It was commonly understood that it was indicative of General McClellan's nomination.

Q. Were there frequent applications made by foreigners for exemption from enrolment in the city of Chicago last fall—say from four to six weeks before the arrest of Mr. Walsh ?

A. Yes, sir.

Q. Were you connected with the office for the procurement of such exemptions ?

A. No, sir; but being an officer of the court, I could take affidavits to present to the proper authorities for action.

Q. What action did Mr. Walsh take towards persons claiming those exemptions ?

A. He was in the habit of abusing those who wished to claim exemption and who had been in this country some years.

By the JUDGE ADVOCATE :

Q. Did Mr. Walsh belong to the Fenian Brotherhood ?

A. No, sir; not that I know of.

W. C. MARSHALL, a witness for the accused, was here introduced, and being duly sworn by the judge advocate, testified as follows :

By the accused :

Q. State your name, place of residence, and occupation.

A. My name is W. C. Marshall. I reside at Augusta, Bracken county, Kentucky. I am a lawyer; have practiced for about thirty-five years.

Q. How long have you been acquainted with Judge Morris, and how intimately?

A. I have known Judge Morris ever since I can recollect; I suppose for forty-five years, and probably longer.

Q. Did you reside in the same town?

A. No, sir; Judge Morris lived some eight or ten miles from my home, but he resided in the town in which I lived for several years before he went to Chicago.

Q. Did Judge Morris study law with your father?

A. Yes, sir; Judge Morris and myself were reading law at the same time.

Q. State all the means you have had of knowing him from that time to the present.

A. I have had every facility for knowing Judge Morris from my boyhood up to the time Judge Morris left for Chicago in 1831 or 1832. We were reading law together, associated as young men and as students of law, and after Judge Morris obtained a license we practiced together in the same county.

Q. Have you kept up a knowledge of his character from that time to the present?

A. I have heard from Judge Morris occasionally, and occasionally he visited his mother, who still resides in our county.

Q. In what estimation has Judge Morris been held from his boyhood as an upright, loyal, and honorable man?

A. As to the term loyalty, when I first knew Judge Morris that was a term rarely if ever spoken of. I never heard the term applied to any person until since the breaking out of this rebellion. Judge Morris never had the advantages of an education that many of our young men had, though he belonged to a family of wealth. The judge is considered a man of strong but somewhat uncultivated mind.

Q. What is his style of oratory?

A. After the judge came to the bar, like most young men who lacked cultivation, he was extravagant in his style, and he gathered up a great many phrases which he used, and which we considered not very refined, and which he threw into his speeches, but he was a man of honor and high integrity as any man in our county.

Cross-examination:

By the JUDGE ADVOCATE:

Q. Has the subject of loyalty been a subject of discussion in your hearing?

A. No, sir; but I have heard it spoken of.

Q. Do you know anything about his reputation for loyalty?

A. Yes, sir; I do.

Q. Have you been associated with Judge Morris of late, in business, since 1850?

A. No, sir.

Q. Have you had any correspondence with Judge Morris more than you would with other men who left your town?

A. No, sir.

By T. W. BARTLEY, esq.:

Q. What has been the reputation of Judge Morris as a friend of the Union?

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A. As far as I have heard the matter spoken of he has been a Union man. according to the general impression.

RICHARD LEEK, a witness for the accused, having made affirmation in the presence of the accused, testified as follows :

By the accused :

Q. State your name, residence, and occupation.

A. My name is Richard Leek ; I reside on Pearl street in this city ; I am in the dry goods business.

Q. Where were you in 1859 and 1860 ?

A. Up to the last of 1859 I was travelling through Illinois, Ohio, and Missouri. I went to Texas about the first part of 1860.

Q. Did you spend any time in Nacogdoches ?

A. Yes, sir ; and went to Austin several times.

Q. When there, had you the means of knowing the general character of John T. Shanks ?

A. I heard a great deal about him there.

Q. Is your knowledge of his character from public report ?

A. Yes, sir ; at Nacogdoches.

Q. What was his general reputation ?

A. Not very good, as far as I learned. He was arrested and tried, and sent to the penitentiary for forgery.

Q. Do you know by reputation of the manner in which he got out of the penitentiary ?

A. I do not know except from general rumor.

Q. Did you know his father at Nacogdoches ?

A. Yes, sir.

Q. From the general reputation of Shanks in Texas, would you * * * a letter from the witness Strawn ?

A. Yes, sir ; he read a letter to me.

Q. State what was in it.

(Objected to by the judge advocate as incompetent. Question withdrawn.)

Q. State what Dr. Ayer said Strawn had written to him.

(Objected to by the judge advocate as incompetent and illegitimate.

The court was cleared for deliberation. The court being reopened, the judge advocate announced that the objection was sustained.)

Cross-examination :

By the JUDGE ADVOCATE :

Q. How long did you stay in Nacogdoches ?

A. I was there and around there two or three days at a time, probably ten or fifteen times during the years of 1861, 1862, and 1863.

Q. What were you doing there ?

A. Collecting.

Q. Did you pay any attention to the matters going on in court there ?

A. I did not make it my study.

Q. Did you hear of any other persons being tried ?

A. I cannot call to mind the name of any one else.

Q. How do you remember the name of Shanks ?

A. I knew his father very well.

Q. Have you thought of him from the time you left Texas until you read the testimony in this case ?

A. I think I have.

Q. What was there that caused you to treasure him in your memory ?

A. I do not know ; I should not know the man were I to see him.

Q. Then do you testify from idle rumors floating about while you were in Texas ?

A. I saw it referred to in the papers, and it was a matter of general rumor.

Q. Did you go to the court-house ?

A. No, sir ; I did not.

Q. Has anybody been speaking to you about this matter and attracted your attention to the matter of this being the same man that you have heard rumors about ?

A. Mr. Johnson, who testified here, was mentioning that he was here on this case ; he told me he had been testifying, and I told him I knew Shanks's father.

Q. Did he not first ask you if you remembered him ?

A. No, sir ; he did not know I had been in Texas until I told him.

Q. Did you, in the rumors in Nacogdoches, ever hear a word about Shanks's truth and veracity ?

A. I have heard persons express their opinion about it ?

Q. Was not that in consequence of this charge and of his being arrested for forgery that persons spoke against him, rather than speaking against his truth and veracity ?

A. I cannot give a straight answer.

Q. Who did you ever hear speak of Shanks's reliability and credibility in Texas ?

A. I heard a number of persons speak with reference to that in Texas, but I cannot recollect their names.

Q. Did you ever see Shanks in Texas ?

A. Not that I know of.

By Judge WILSON :

Q. State, if you know, what difference there is between a written and a spoken lie.

(The question was objected to by the judge advocate and withdrawn.)

By T. W. BARTLEY, esq. :

Q. Did you converse with Shanks's father in reference to him ?

A. I did converse with his father at Nacogdoches once or twice.

Q. Did you talk to his father on the subject of his being prosecuted for forgery ?

A. I did.

Q. What business was his father engaged in ?

A. He was a wagon-maker in Nacogdoches.

Q. Is the person of whom you have spoken the John T. Shanks who was clerk in the land office ?

A. I so understand it.

By the JUDGE ADVOCATE :

Q. Is it from your conversation with his father that you base your opinion that you would not believe him under oath ?

A. No, sir.

(T. W. Bartley, esq., desired to offer certain papers in evidence on the ground that they are an exposition by Vallandigham, a member of the order of the Sons of Liberty, of the objects and purposes of the organization.

The judge advocate objected to the papers being received in evidence.

The court was cleared for deliberation. On being reopened, the judge advocate announced that the objection was sustained.)

(Robert Hervey, esq., desired to offer the papers in evidence on the same ground ; to which the judge advocate objected.

The court was cleared for deliberation. On being reopened, the judge advocate announced that the commission declined to hear any further argument upon the introduction of the papers.)

WILLIAM L. FELTON, a witness for the defence, was then introduced, and being duly sworn by the judge advocate, testified as follows :

By the accused :

Q. State your name, place of residence, and occupation.

A. William L. Felton. I am a commission merchant and reside in Chicago, Illinois.

Q. State if you ever belonged to an organization known as the Illini ?

A. Yes, sir.

Q. When did you join ?

A. In April of 1864.

Q. How long did you remain a member of the organization ?

A. I have not withdrawn from it yet.

Q. Do you know Dr. I. Winslow Ayer ?

A. I do.

Q. Was he a member of that organization ?

A. He was.

Q. Do you know Robert Alexander, and whether he was a member of that organization ?

A. I do. I know he was a member of the order.

Q. Do you know Judge Morris ?

A. Yes, sir.

Q. Did he belong to it ?

A. Yes, sir ; I let him pass the door when I was doorkeeper.

Q. During your whole connection with that order did you ever hear or know of any such project as the releasing of the rebel prisoners at Camp Douglas ?

A. I never heard a word of it.

Q. Did you hear, in your connection with the order, of any such project as the burning of Chicago ?

A. I never did.

Q. Did you ever hear it stated in the order, by any member, that one of the objects and purposes of the order was to establish a northwestern confederacy ?

A. I never did.

Q. Did you know a man by the name of William Hull ?

A. Yes, sir.

Q. Did you ever hear it at any time stated that William Hull had betrayed the secret of the order ?

A. I have heard it stated outside the order, but never in it.

Q. By whom ?

A. By Mr. Harvey, Strawn, Alexander, Dr. Ayer, and others.

Q. Were you present at any conversation where Mr. Hull's misconduct became the theme of conversation ? If so, state who else was present.

A. I think the first time I heard of it was in Dr. Ayer's office ; this is my best recollection.

Q. Dr. Ayer has stated that, in an interview at his office at which you were present, also Mr. Morrison, that the subject of the assassination of Mr. Hull was discussed, because he had betrayed the secret of the order ; that you and Mr. Morrison agreed to do the deed. Is that false or true ?

A. It is as false as hell. The first I ever heard of it in my life was in Dr. Ayer's testimony. Mr. Hull and myself have always been friends, and we are to this day.

Q. Did you ever hear Mr. Morrison agree to be a party to this deed ?

A. I never did.

Q. Then if Dr. Ayer stated that you and Mr. Morrison agreed to do this act it was untrue, was it ?

A. It was untrue, sir.

Q. Were you arrested ?

A. I was, sir. I do not know what I was arrested for. No charge was ever laid against me. I was taken to Camp Douglas and was put in with about 105 or 106 of the biggest damned scoundrels in the world.

Q. How long were you kept there ?

A. Thirty-one days.

Q. In what condition?

A. In a pretty hard condition. I was in there with those men. I had no covering, and it was the 12th of November, 1864.

Q. Had you an overcoat?

A. No, sir, nor a blanket.

Q. Had you any fire?

A. Yes, sir, though it did not do me much good.

Q. How large a room was it?

A. It was a fifty or sixty feet space all round the room.

Q. Did you make any report to any officer of the camp as to your condition?

A. I spoke to the corporals and sergeants about it; they said they would report it to Colonel Sweet.

(Testimony objected to by the judge advocate.)

Q. Was any application made to you by officers of the garrison to become a witness in the case?

A. There was a lieutenant (I do not know his name) who came down to where I was one day and took me out, and said he —

(This testimony was objected to by the judge advocate.)

Robert Hervey, esq., replied: It has been stated in evidence that from twenty-four to thirty-six hours in irons was sufficient length of time to bring confession out of any man; he therefore claimed that if any such cruel and unkind treatment had been resorted to to induce them to testify, it is due to be shown to the accused.

The court was then cleared for deliberation. The court being reopened, the judge advocate announced that the objection was sustained.)

Q. When were you released from your confinement?

A. I think I was there about four weeks.

Q. After your release, did you have any conversation with Dr. Ayer before he testified as a witness in this case?

A. Yes, sir, a number of times.

Q. State whether you had any conversation, where it was, and if you would believe him on oath.

A. From the general reputation I heard then I would not.

By E. G. ASAY, esq.:

Q. Did you assist in any way in the collection of funds for the democratic party that were to be appropriated for the purchase of arms?

A. I did.

Q. When was that?

A. In June, 1864, in Chicago.

Cross-examination:

By the JUDGE ADVOCATE:

Q. How much did you collect?

A. I paid over two or three times. I paid over ten dollars at one time, and eight or ten dollars more at another time.

Q. Who did you pay it to?

A. I cannot tell the man's name; he was assistant secretary; he was the one who made the bills out of the society of Illini.

Q. Were you instructed when you were appointed to collect this money, that it was for the purchase of arms?

A. Yes, sir, for paying for arms.

Q. Was there a resolution of the order to buy arms?

A. I do not know, sir; Strawn first spoke to me about it. He said to me, You go up to such a member and there you will get some bills, and I want you to see democrats, and if you can get any subscriptions to do it.

Q. Did you get any save from the members of the society ?

A. Yes, sir, I got some from McCormack, a clothing merchant, on Lake street Chicago.

Q. How much did you collect from McCormack ?

A. Two dollars.

Q. What did you state you were collecting it for ?

A. For the purchase of arms for the democratic party to keep the peace at the convention. There was another man on the west side from whom I got something. I told him I understood he was a good democrat, and I think I told him the money was wanted for the purchase of arms. I do not know his name, but I was told that he was a democrat.

Q. When did you see him ?

A. Before the meeting of the first democratic convention.

Q. Did you get any more money for arms from anybody who did not belong to the order ?

A. That is all I can think of ; I might have collected more out of the order.

Q. Do you know that these men did not belong to the order ?

A. I know Mr. McCormack does not belong to the order.

Q. Do you know of anybody else collecting money ?

A. I believe five or six had these bills from which to collect.

Q. Who was to determine what this money was for ?

A. I do not know.

Q. Was there any resolution passed that this money was to be used for the purchase of arms ?

A. I know nothing except what Strawn told me.

Q. Do you know if any arms were bought with that money ?

A. I never saw any, and never heard that any were bought with that money. I asked about it one evening, but did not get any satisfactory answer. I never was in the order more than a minute or two at a time, as I acted as doorkeeper, and never heard a speech made there at all.

Q. Were those men that you were thrown in with prisoners of war ?

A. They might have been ; they were arrested about the time of the convention.

Q. Did you know that they were bushwhackers ?

A. I heard it after I got out.

Q. Were they dressed in butternut clothing ?

A. Yes, sir, most of them.

Q. Were they not a hard set of scoundrels ?

A. Yes, sir, I thought them so.

By E. G. ASAY, esq. :

Q. At the time these bills were given you to collect did Strawn tell you what the money was to be used for ?

A. He said it was to be collected for arms.

Q. Did you know that there were others collecting money for the same purpose ?

A. I so understood ; one man that I knew was collecting money for the same purpose.

Q. Were you what was called the outside tyler ?

A. Yes, sir ; and did not know what was going on inside.

By the COURT :

Q. If any project was on foot as to the release of prisoners at Camp Douglas and the sacking of the city of Chicago would you have known it ?

A. I do not know that I should ; I never heard it mentioned.

The commission then adjourned to meet on Wednesday, March 22, 1865, at 11 o'clock a. m.

MILITARY COMMISSION, CINCINNATI, OHIO,

March 22, 1865—11 o'clock a. m.

The commission met pursuant to adjournment. Present all the members excepting Colonel Benjamin Spooner; also present the judge advocate, the assistant counsel, the accused and their counsel.

The proceedings were read and approved.

The counsel for the accused here put in evidence copies of entries from the register of the Richmond House, of Chicago, Illinois, containing the signature of G. St. Leger Grenfel, England, G. B., gentlemen's parlor, August 28, 1864; also another entry November 15, 1864, G. St. Leger Grenfel, Great Britain, room 64; also November 6, 1864, J. Thompson, Springfield, Illinois, 70 room.

The register of the Richmond House being before the commission, the judge advocate admitted on the part of the government, without further proof, that those were the registers of the Richmond House, Chicago, Illinois, and that the entries are those of G. St. Leger, Grenfel, in his own handwriting. The registers are to be considered in evidence, and if there is anything else in them that it may be desirable to prove by either party, the registers are in evidence for that purpose.

Maurice S. Davis, a witness for the defence, being recalled, testified as follows:

John T. Shanks appearing in court, the following question was put to the witness:

By the JUDGE ADVOCATE:

Q. Do you recognize that man as John T. Shanks?

A. Yes, sir. I know him perfectly well, and he knows me; he is the same man of whom I testified, and with whom I slept in the Austin, Texas, jail.

Cross-examination:

By the JUDGE ADVOCATE:

Q. How was he dressed at the time you saw him there?

A. I cannot remember.

Q. How did he wear his beard?

A. I believe he wore a goatee and a moustache. I do not think he wore whiskers.

Q. How long were they?

A. Not very long.

Q. What do you call a goatee?

A. Anything that is not full whiskers. Remember Shanks laughed at me for shaving.

Q. Was there any person else in the same cell with you?

A. Yes, sir; there were two others, but I do not recollect their names.

Q. What were they in for?

A. One was for taking money from some grocery, and the other for horse-stealing. There were four inside and a nigger on the outside.

Q. While you were in Texas were you not known as a professional gambler?

A. No, sir.

Q. Did you not follow that as a profession?

A. I did, probably for five or six years.

Q. In what State?

A. In Ohio, Pennsylvania, and part of the time in Illinois.

Q. What were you doing in Texas?

A. I was keeping a millinery store there.

Q. Did you sell the bonnets?

A. I sometimes did; when I did not, a lady who passed herself as Mrs. Davis did.

Q. Were you living with her as your wife?

A. Yes, sir.

Q. How many have you married?

A. Three.

Q. How many are living?

A. All three. I do not disguise anything—not that I think I have any right to answer.

Q. Were you divorced from all three?

A. I was divorced from two of them.

Q. What was the name of the first?

A. Mary Ann Hasey; I lived with her four months. She got a divorce, obtained by my default.

Q. What was the name of the next?

A. Catharine Loyd; she resided in Dayton, where she still resides. I lived with her probably four or five years.

Q. Was she divorced from you?

A. I applied for a divorce, but withdrew it on the condition that she would apply. She did so and obtained a divorce.

Q. How long was it before you married the next.

A. Three days. I was engaged in part before I was divorced. I married her in St. Mary's, Ohio. Her name was Louisa J. Hammaker. I am living with her at Wapakoneta, Ohio.

By T. W. BARTLEY, esq.:

Q. Do you know how many wives Shanks has?

A. No, sir.

Q. Did Shanks ever tell you how many wives he had?

A. I think he told me he had a wife and children in Neatherston.

(The question was objected to by the judge advocate and withdrawn.)

Q. You were inquired of whether you had followed the business of a gambler. How long have you abandoned it?

A. Seven years' since which I have abandoned it entirely. When I gambled I was forced by circumstances to quit my place at the faro table; but I acted fairly, and I have had nothing to do with it for seven years.

By the JUDGE ADVOCATE:

Q. What year was it that Colonel Sublett was killed?

A. In 1859, to the best of my recollection.

JOSEPH N. BARKER, a witness for the accused, was then introduced, and being duly sworn, testified as follows:

By the accused:

Q. State your name, residence, and occupation.

A. Joseph N. Barker; my residence is Chicago; I am practicing law.

(A sight draft for \$30 was here shown the witness.)

Q. Have you ever had that draft in your possession? If so, from did you procure it?

A. I had it in my possession, and procured it from Mr. P. Geddis, the agent of George Smith & Co.

CHARLES C. COPELAND, a witness for the defence, was then introduced, and being duly sworn by the judge advocate, testified as follows:

By the accused:

Q. State your name, residence, and occupation.

A. Charles C. Copeland; Chicago; the law by profession.

(A sight draft for \$30 was here shown the witness.)

Q. Look at that draft and say if you ever saw it before.

A. Yes, sir, I have seen it before; it is payable to me.

Q. Look at the indorsement of C. C. Copeland on the back; is that your signature?

A. It is not.

Q. Did you ever authorize anybody to sign that draft before?

A. I did not.

Q. Do you know whose handwriting it is?

A. I do not of my own knowledge.

Q. State if you ever made any inquiry with respect to that draft; if so, state the circumstances.

A. It was in the fall of 1863, some time in September or October, I received a note from Camp Douglas stating that a letter was advertised for me there among the prisoners' letters. Immediately after I received the note I went to the camp and reported the fact to Mr. Bushel, who was the prisoners' accountant. I inquired for the letter, and I either found it then or at a subsequent time; it was handed to me by Mr. Bushel.

Q. Have you got that letter in your possession?

A. I have not.

Q. What has become of it?

A. It was destroyed.

Q. When the letter was handed you by Mr. Bushel did you have any conversation with Colonel Deland with respect to it?

A. Mr. Bushel showed it to me; there was an indorsement across the end of it.

Q. What was that indorsement in substance?

A. I remember that there was something about the application of the funds. Mr. Bushel asked me to step in and see Colonel Deland, the commanding officer at Camp Douglas. Mr. Bushel had the letter in his hand, and handed it to Colonel Deland, who looked at it and said "that is Shanks's writing," referring to the indorsement. Colonel Deland directed Mr. Bushel to take me down to see Shanks; and we went to the rebel post office, where the letters were kept, but he was not there, and we were told he was at the hospital. We then went back to where some rebel soldiers were putting up a hospital. I cannot remember distinctly whether I saw Shanks or not.

Q. Did you subsequently procure the money which was represented by this draft?

A. Yes, sir; after ascertaining that the draft was gone. I found the letter, but the draft was not in the letter at the time it was handed to me. When I came back to my office I wrote to the parties who had sent it to me, and they sent me a duplicate of the draft; on that I collected the money.

Q. Did you ever receive anything on this paper?

A. No, sir; I never did. That draft was subsequently brought to me by Mr. Geddis, the agent of George C. Smith & Co.

Q. Where had the draft come from?

A. He represented to me at the time that he had cashed it; that it had gone to New York and came back again. He showed me the draft and the indorsement.

Q. Did he make any inquiries as to the genuineness of the indorsement?

A. He said he had the draft with my indorsement, when I told him the indorsement was a forgery of my signature.

Q. Do you know who was the sutler at Camp Douglas at that time?

A. His name was McBride.

Q. Did you ever see him write?

A. No, sir.

Q. Is there any such name on that draft?

A. Yes, sir; the name of M. McBride appears on this draft, after my own, or what purports to be my own.

Q. You say that the indorsement is not your writing?

A. It is not, sir; and never was written by me nor by any one by my order; it is a forgery.

Q. Do you know a gentleman by the name of I. Winslow Ayer?

A. I do.

Q. How did you come to make his acquaintance, and where?

A. It was some time in 1862.

Q. State the circumstances.

A. I was at the time in charge of the McCormick building. I had an office and rooms there. I had charge of letting rooms.

Q. State whether any application was made to you by Dr. Ayer, or by any one in his behalf, to become a tenant?

(Objected to by the judge advocate, and withdrawn.)

Q. Did Dr. Ayer become a tenant?

A. Yes, sir.

Q. Did he apply to you personally, or was the application made by any one for him?

A. Application was made by a lady, who represented herself to be his sister.

Q. How many rooms did he obtain?

A. Two rooms, one with two windows facing the street. His rooms are at the head of the stairs. At the head of the stairs a door opens into the hall or passage. The front room is the Lung Institute.

Q. What is the size of the back room?

A. It contains a bed, washstand, and a couple of chairs, which about fill it up.

Q. Did that lady introduce Dr. Ayer to you as her brother?

A. Yes, sir.

Q. Who occupied that back room?

A. Dr. Ayer and his sister.

Q. Who slept there?

A. Himself, and I suppose his sister also.

Q. How do you know?

A. As you go up stairs Dr. Ayer occupied a room on the left and I occupied the corresponding room on the right, the back room was occupied by me as a sleeping room, and I have seen this woman go in there late at night. I have also seen her there early in the morning. The washwoman who does my washing and their washing, said—

(The testimony was objected to by the judge advocate.)

Cross-examination:

By the JUDGE ADVOCATE:

Q. Do you not know that this same lady, who came to you as the sister of Dr. Ayer, lived with his family, and with his wife as a sister for months?

A. No, sir, I do not. I did not know he had a family.

Q. Did you not know he had a family at Dayton?

A. I have heard so.

Q. Did you not know that this lady lived with his wife and family for a long time?

A. I do not know anything about that.

Q. Describe the position of the rooms occupied by Dr. Ayer.

A. You enter by the front, on Randolph street, to go into any room in the back part of the building.

Q. Do you know whether the Illini had a room there?

A. I do not know; I did not have charge of the rooms from about the time Dr. Ayer leased his office.

Q. Do you know whether any rooms were used by any club?

A. No, sir; I do not.

Q. Would not any person who was passing into the hall have to pass Dr. Ayer's room?

A. They would if they entered on Randolph street, either going up or coming down.

Q. Are not Dr. Ayer's two rooms at the junction of the two halls?

A. No, sir; they are not. You can go to the upper part of the building without passing Ayer's office, as there are two stairways.

By E. G. ASAY, esq.:

Q. At what hours have you seen this sister going in and coming out of her brother's room?

A. Late at night, after dark, and early in the morning.

Q. Where did they take their meals?

A. At the Matteson House.

Q. Was there more than one bed in this room?

A. No, sir.

Q. Had this woman any lodging at the hotel?

A. I do not know that she had.

Q. Who kept the Matteson house?

A. Beasley.

Q. What is the name of the washerwoman who told you something respecting these parties?

A. I do not know, but I could very easily find her address.

By T. W. BARTLEY, esq.:

Q. How was that letter addressed?

A. C. C. Copeland, Chicago, Illinois.

Cross-examination:

By the JUDGE ADVOCATE:

Q. What was the latest hour you ever saw this lady go into Dr. Ayer's room?

A. I could not say positively.

Q. A great many persons went into his room, did they not?

A. Yes, sir, during the day. His profession was treatment of lung and throat diseases, of male as well as female.

Q. Did not his sister assist him in his professional duties?

A. I do not know.

Q. Do you know that she is a scholar and has studied medicine?

A. I do not know.

Q. Have you ever seen them as late as an hour after dark in the evening?

A. I think I have. I have very often seen the door open, and the parties sitting there.

Q. How early in the morning have you seen the lady there?

A. I cannot tell.

Q. Did you sleep there?

A. Yes, sir; in my own room.

Q. Have you seen her there at any unseemly hour in the morning?

A. Yes, sir; I have frequently seen her there as early as I got up.

Q. Was she cleaning up the room?

A. I have seen her about there.

Q. Did she clean up those rooms and keep them in order?

A. I believe she did.

Q. Do you know of any other lady being there in a medical capacity assisting Dr. Ayer?

A. I do not know of any lady being there in that capacity.

By E. G. ASAY, esq.:

Q. Did you ever see any other lady at any time go into Dr. Ayer's bed-room except this one?

A. Not from the hall.

Q. Did they go off to their meals together?

A. I have seen them come down on the stairs together.

Q. Did you ever see her go into the room?

A. I cannot say that I did.

By the JUDGE ADVOCATE:

Q. Was this before July last?

A. This was before July last.

Q. Did you ever see the bed in that room?

A. Yes, sir. The room was so small that you could not put two beds in it. I have not been in the room since last July. I do not know that I have been in the room since eight or nine months or a year ago. I cannot testify to any bed being in the room since that.

Q. Do you say that you have seen that lady, Dr. Ayer's sister, in that bed-room?

A. I cannot tell positively that I ever did, but I have, I think, seen her go from the bed-room into the front room.

Q. Was there, as far as your observation went, any secrecy there in that lady's movements?

A. I saw no particular stealth with regard to her movements.

PETER GEDDIS, a witness for the defence, was then introduced, and being duly sworn by the judge advocate, in the presence of all the accused, testified as follows:

By the accused:

Q. State to the court your name and occupation.

A. Peter Geddis; I am agent for George Smith & Co., Chicago, Illinois, where I reside.

(A draft was shown to the witness.)

Q. Look at that draft, and say whether or not you ever had it in your possession.

A. I have recently had it in my possession.

Q. From whom did you get it?

A. From William McBride; he was in the office at the time, employed by me.

Q. Had he been in any employment at Camp Douglas?

A. He was sutler or assistant sutler at the same time.

Q. Do you know his handwriting?

A. I have seen a great deal of it.

Q. Is that his signature?

A. Yes, sir, I believe it is.

Q. Was that draft forwarded by you to New York for payment?

A. Yes, sir.

Q. Was it paid?

A. Yes, sir; and it was afterwards returned to me, it having been stated that the indorsement of C. C. Copeland was a forgery, and we repaid the money.

Q. From what time have you had that draft in your possession?

A. Until within a couple of weeks.

Q. To whom did you part with it?

A. I gave it to Mr. Barker.

Q. Did you make inquiry at Camp Douglas about this note when it was returned?

A. Yes, sir; I inquired of Colonel Deland.

Q. Did you show him the draft ?

A. I do not know that I did.

Q. Did you tell of the circumstance ?

A. I did.

No cross-examination.

William H. Bushel, a witness for the defence, being recalled, testified as follows :

By the accused :

Q. You stated, did you not, that when you found this letter, addressed to Mr. Copeland, there was an indorsement on it ?

A. Yes, sir ; I think there was.

Q. State the substance of the words of that indorsement.

A. The substance was that the check was applied to the senders of the order.

Q. Did you show that letter to Colonel Deland ?

A. Yes, sir ; I took it in with Mr. Copeland.

Q. Did Colonel Deland say anything about whose indorsement was on the letter ?

A. He said he thought it was Shanks's.

Q. Have you seen Shanks's handwriting ?

A. Yes, sir.

Q. Look at that signature and see if you think it is his handwriting.

(A draft was here shown to the witness.)

A. It is not anything like his writing.

Cross examination by the JUDGE ADVOCATE :

Q. Have you been employed in the same office ?

A. Yes, sir ; I have for about three months.

Q. Did you see his handwriting continually ?

A. Yes, sir.

WILLIAM TEAHON, a witness for the defence, was then introduced, and being duly sworn by the judge advocate, testified as follows :

By the accused :

Q. Please state your name, place of residence, and how long you have lived there ?

A. William Teahon ; I reside in Chicago, Illinois, and have resided there fourteen years.

Q. What is your age ?

A. I am twenty years of age.

Q. Do you remember the time of the national democratic convention in Chicago, Illinois ?

A. Yes, sir.

Q. Are you a brother of Mrs. Charles Walsh ?

A. Yes, sir.

Q. Do you know where Mrs. Walsh was on the Sunday preceding the convention ?

A. Yes, sir ; she was at Father O'Dowd's funeral. She came from there to our house, and remained at our house all day Monday, at the sale of our furniture ; that is, my mother's. I went home with her on Monday night, at ten o'clock. We walked from our house to State street, I think, and got into the last car for Camp Douglas. We arrived at Mr. Walsh's house about twelve o'clock, where I remained all night.

Q. When you arrived did you see any strangers or gentlemen there ?

A. Yes, sir ; there were some to my knowledge.

No cross-examination.

The court adjourned to meet on Thursday, March 23, 1865, at 11 o'clock a. m.

By E. G. ASAY, esq.:

Q. Did you ever see any other lady at any time go into Dr. A. except this one?

A. Not from the hall.

Q. Did they go off to their meals together?

A. I have seen them come down on the stairs together.

Q. Did you ever see her go into the room?

A. I cannot say that I did.

By the JUDGE ADVOCATE:

Q. Was this before July last?

A. This was before July last.

Q. Did you ever see the bed in that room?

A. Yes, sir. The room was so small that I have not been in the room since last July in the room since eight or nine months or bed being in the room since that.

Q. Do you say that you have seen the room?

A. I cannot tell positively that I e from the bed-room into the front room.

Q. Was there, as far as your lady's movements?

A. I saw no particular stealth

PETER GEDDIS, a witness f
duly sworn by the judge adv
as follows:

By the accused:

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A. Did you, at the request of Shanks's father, make application to Governor

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Q. I visited Governor Houston with his father, and used what little influence I possessed, and also

Q. Did you request a pardon from Governor Houston at the request of his

A. I am not prepared to say that I urged a pardon; it is my belief that a new

Q. Do you remember whether you insisted upon a pardon to Governor Hous-

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personal knowledge I know nothing of the number of indict-

are pending against him.

were a member of the legislature, were you not?

es, sir, I was.

Have you any knowledge of the passage of a bill to pay Captain Mullett for his services in making the arrest of John T. Shanks?

A. I believe I have, sir. I voted against the bill myself. Captain Mullett had lived in Tyler, Smith county, Texas, and had brought his friends there to influence in his behalf. I voted against it because he was not entitled to it. The arrest was made by John B. York, a sheriff of some other county; but the bill passed.

Q. Do you recollect the amount appropriated?

A. I do not; it was some hundreds of dollars.

Q. Where was he arrested?

A. On the west fork of the Trinity, on Gilmore's ferry-boat.

Q. Do you remember Maurice S. Davis?

A. Yes, sir, I do.

Q. Did you see him in court yesterday?

A. Yes, sir.

Q. Where did you know him in Texas?

A. In Austin.

Q. Do you remember seeing him about the time of the festival given in honor of General Houston's election?

A. I believe I did.

Q. State whether Maurice Davis, who has testified here, was the man who was prosecuted for killing Colonel Sublett?

A. Yes, sir, he is.

Q. Were you in Austin at the time this occurred?

MILITARY COMMISSION, CINCINNATI, OHIO,
March 23, 1865—11 o'clock a. m.

The commission met pursuant to adjournment. Present, all the members excepting Colonel Benj. Spooner; also present, the judge advocate, the assistant counsel, the accused, and their counsel.

The proceedings were read and approved.

A. BANNING NORTON, a witness for the defence, was then introduced, and being duly sworn by the judge advocate, testified as follows :

By the accused :

Q. Please state your name and place of residence.

A. A. Banning Norton ; at the time of the secession of Texas I resided in Travis county, of that State.

Q. Please state your present locality and the cause of it.

A. I am temporarily sojourning at Mt. Vernon, Ohio. I left Texas in consequence of that country becoming too hot a place for a Union man.

Q. Where are your family at present?

A. The last information I had of them they were in Jasper county. I was a member of the State legislature of Texas at the time of secession, and voted against it, and I was editor of a Union paper at Austin, known as the "Southern Intelligencer," and was adjutant general of the State also at that time.

Q. Did you know John T. Shanks?

A. I did, sir.

Q. How long did you know him in Austin?

A. I think I became acquainted with him in the winter of 1854 or '55. I am not positive as to where I became acquainted with him.

Q. Where did he reside at that time?

A. He may have lived at Nacogdoches or at Tyler, in Smith county; his father I know resided in Nacogdoches.

Q. Did you know his father?

A. Yes, sir, I did; he was an old friend of mine.

Q. What was John T. Shanks's employment in Austin?

A. He was a clerk in the land office.

Q. Was John T. Shanks arrested and prosecuted for forgery?

A. Yes, sir, he was arrested, prosecuted, and tried for forgery.

Q. Do you know whether application was ever made to the governor of Texas for his pardon?

A. Governor Houston was visited several times by Major Shanks, who was an old Texas friend of his in the days of the revolution, for the purpose of getting his influence in behalf of John T. Shanks, and having him assisted in the difficulty he was in. Governor Houston was visited shortly after the arrest of John T. Shanks by his friends, who desired to assist in the matter of the trial. Before that he remained some time in jail in Travis, as I was informed, and I believe he was.

Q. Did you, at the request of Shanks's father, make application to Governor Houston for his pardon?

A. I cannot say that my recollection is distinct as to that, but I visited Governor Houston with his father, and used what little influence I possessed, and also at the time of the trial, and he was found guilty.

Q. Did you request a pardon from Governor Houston at the request of his father?

A. I am not prepared to say that I urged a pardon; it is my belief that a new trial was obtained for Shanks, and that an effort was made to have him pardoned.

Q. Do you remember whether you insisted upon a pardon to Governor Houston at the request of Shanks's father?

A. I remember having an interview with Governor Houston and Shanks's father, in John T. Shanks's behalf; the object was for a pardon.

Q. Do you remember whether this application was for a new trial or a writ of error to the supreme court, to reverse the judgment?

A. I am not prepared to say in reference to that matter.

Q. Were you in Austin at the time he was pardoned?

A. I was in Austin until the fore part of October, 1861. I recollect seeing him at large.

Q. Do you recollect whether it was Governor Houston or Governor Clark who pardoned him?

A. I do not. Clark was Houston's successor.

Q. Do you remember when he went into the ranks of the rebel army?

A. No, sir, I do not.

Q. Do you know how he was released from prison in Austin?

A. I do not.

Q. Do you know whether he was sent to the penitentiary after he was convicted?

A. I am not prepared to state as to that. He was found guilty upon trial.

Q. Do you know how many indictments there were against him?

A. I do not.

Q. What was the charge against him?

A. Forgery during the time he was in the land office.

Q. Do you recollect what kind of an instrument he was charged with forging?

A. I do not. It was in the course of his business as clerk in the land office.

Q. Was it a single forgery, or a series of forgeries that he persevered in for some time?

(Question objected to by the judge advocate as immaterial, and withdrawn.)

Q. Have you any recollection of the number of indictments that were pending against him, at the time he was tried?

A. Of my own personal knowledge I know nothing of the number of indictments which were pending against him.

Q. You were a member of the legislature, were you not?

A. Yes, sir, I was.

Q. Have you any knowledge of the passage of a bill to pay Captain Mullett for his services in making the arrest of John T. Shanks?

A. I believe I have, sir. I voted against the bill myself. Captain Mullett had lived in Tyler, Smith county, Texas, and had brought his friends there to influence in his behalf. I voted against it because he was not entitled to it. The arrest was made by John B. York, a sheriff of some other county; but the bill passed.

Q. Do you recollect the amount appropriated?

A. I do not; it was some hundreds of dollars.

Q. Where was he arrested?

A. On the west fork of the Trinity, on Gilmore's ferry-boat.

Q. Do you remember Maurice S. Davis?

A. Yes, sir, I do.

Q. Did you see him in court yesterday?

A. Yes, sir.

Q. Where did you know him in Texas?

A. In Austin.

Q. Do you remember seeing him about the time of the festival given in honor of General Houston's election?

A. I believe I did.

Q. State whether Maurice Davis, who has testified here, was the man who was prosecuted for killing Colonel Sublett?

A. Yes, sir, he is.

Q. Were you in Austin at the time this occurred?

A. No, sir; but I was there at the time of his trial, and I know him to be the same man.

Q. Did you see John T. Shanks in the room yesterday?

A. Yes, sir.

Q. Did you recognize him as the same man you knew in Texas?

A. Yes, sir; but he appeared to be in a little better condition; healthier looking, and had a little more appendage.

Q. Where did his father reside?

A. In Nacogdoches, Texas, and has lived there from the days of the Texas revolution, and is a most estimable man. He carried on a pretty large business for that country at wagon-making.

Q. Was it at his instance that you made the application in behalf of his son?

A. It was.

Q. Were you acquainted with John T. Shank's skill as a penman?

A. Yes, sir. He was one of the best penmen I ever knew, and was one of the best clerks they ever had in the land office in Austin.

Q. What capability had he in varying his handwriting?

(The question was objected to by the judge advocate.)

The court was cleared for deliberation. On being reopened the judge advocate announced that the objection was sustained.)

A. He was very ready with the pen—one of the best penmen I have known. He had a considerable amount of business in the land office department, and in the preparation of all business, and in the readiness and correctness with which he transacted business, he had no equal in that State land office. There was an immense amount of business there.

(John T. Shanks appeared in court.)

Q. Is that John T. Shanks?

A. Yes, sir; this is John T. Shanks, the same man.

Q. Who was the judge of the court of common pleas?

A. Judge Terrell, one of the greatest rebels unhung.

(A sight draft for \$30 was here handed to the witness.)

Q. Do you recognize that handwriting—C. C. Copeland?

A. I should judge it to be a disguised handwriting. Shanks's hand was a very fine one, rather a small handwriting. He would be capable of writing that, but I cannot express an opinion as to whether he did or not.

Q. Do you know Wesley Johnson and Phelps?

A. I knew them very well; they came to Austin and purchased one of the best buildings in the city. They were merchants, and had a very large stock of goods, and they were counted first-rate men, and there was no objection to them, except that they came from Illinois at that time.

(A draft was here offered in evidence by the accused, which was objected to by the judge advocate.)

(No cross-examination.)

(The court was cleared for deliberation. On being reopened, the judge advocate announced that the objection was overruled.)

THOMAS LORREGAN, a witness for the defence, was here introduced, and being duly sworn by the judge advocate, testified as follows:

By the accused:

Q. State your name, residence, and occupation.

A. Thomas Larney Lorregan; I reside in Chicago; I have been in the fruit trade for the last twelve years.

Q. Do you know Mr. Walsh?

A. I do.

Q. Have you ever been a member of a political secret organization?

A. No, sir.

Q. How intimately have you known Mr. Walsh?

A. I have known him intimately for the last ten or twelve years.

Q. Do you know whether or not he has been actively engaged during the war in raising troops for the government?

A. He was.

Q. To what political party do you belong?

A. The democratic.

Q. State whether or not at the last election there was a general apprehension that there was to be difficulty and trouble at the polls.

A. It was generally believed that there would be a disturbance.

Q. What is the reputation of Mr. Walsh for loyalty?

A. It has been good. It never was questioned up to the time of his arrest.

GEORGE T. KIMDERLEY, a witness for the defence, was introduced, and being duly sworn by the judge advocate, testified as follows:

By the accused:

Q. State your name and residence.

A. George T. Kimderley; I reside in Chicago; I have lived there all my life.

Q. To what political organization do you belong?

A. To the democratic party.

Q. Were you or not at one time a member of some secret organization called the Illini?

A. I was, about two years ago.

Q. Have you or not been taking an active part in the politics of the day?

A. I have been active in that way since 1858.

Q. Do you know Mr. Walsh?

A. I have met him intimately since I was quite a boy..

Q. Did you ever, while a member of that order, or at any time up to Walsh's arrest, hear intimated anywhere any design to release the prisoners at Camp Douglas?

A. I have not.

Q. Do you know whether or not Mr. Walsh was active in raising troops for the army?

A. He was.

Q. What has been his reputation for loyalty to the government?

A. Good, so far as I know; I never heard it questioned up to the time of his arrest.

Q. Have you a brother in the army or navy?

A. I have a brother who is serving on Admiral Farragut's flag-ship.

(It was admitted, on the part of the accused, that a certified copy of entries from Castleman's memorandum book; also, of a letter dated Marshall, September 2, 1864, and signed Anderson; also, of a letter dated Chicago, August 30, 1864, and signed Ben. M. Anderson; also, of a pencil sketch of what purports to be a map of Camp Douglas, should be entered in evidence in place of the originals, which were required at Indianapolis, at the trial of Castleman.)

R. CASSIL, a witness for the accused, was then introduced, and being duly sworn by the judge advocate, testified as follows:

By the accused:

Q. State your name and occupation, and where you reside.

A. R. Cassil; formerly my occupation was that of a printer; I am at present residing at McLean barracks.

Q. Were you ever a member of the organization known as the Sons of Liberty?

H. Ex. Doc. 50—31

A. I was.

Q. Did you know members of that order named Wilkenson and Morrison?

A. I knew Wilkenson, and I know there was a member named Morrison.

Q. Was either of those gentlemen member of more than the lower degree?

A. Wilkenson was elected and installed as a Grand Seignior of the working degree, generally called the second degree, and Mr. Morrison was merely a member of that degree.

Q. Was either of these gentlemen a member of what is known as the grand council?

A. They were not.

Q. Were you a member of the grand council?

A. I was, and know that neither of those gentlemen was ever elected as member of the grand council by the degree to which they belonged. They were not eligible for admission, according to the strict rules of the order, under any circumstances, not having received the higher degrees.

Q. When was the last meeting of the grand council of the Illini?

A. In March, 1864.

Q. Did you know during your connection with the order, either in the subordinate bodies or in the grand council, of any project relating to the release of the rebel prisoners at Camp Douglas contemplated by the order?

A. No, sir; I knew of no movement contemplated by the order. There were several speeches made in the order by Doolittle, and several times he spoke of that project, but he never received any encouragement from any individual members or from the order itself.

Q. How were his speeches on that subject received?

A. He was regarded by nearly every member as a monomaniac, and his speeches were regarded as coming from that kind of a man.

Q. It has been stated that there was a standing order in that subordinate body of the Sons of Liberty by which a Mr. Geary was appointed a committee to supply the wants of escaped prisoners; was there ever such an order?

A. I left Chicago in May last, and up to that time there never was such an order issued.

Q. Do you recollect Geary making an application on one occasion to some individual members of the order for some funds to help those who needed assistance?

A. I do.

Q. When was that?

A. It was in the early part of April.

Q. State whether Dr. Ayer was a member of the order up to the time of your leaving Chicago?

A. Dr. Ayer was not a member; he had been proposed, and was eligible for initiation at the first meeting after I left.

Q. Then he had not been in the order up to the time of your leaving Chicago?

A. Never.

Q. Then, at the time Mr. Geary made an application for funds to relieve those persons, was or was not Dr. Ayer a member?

A. He had not even been proposed for initiation at that time.

Q. When did you join the organization?

A. At the last meeting of July or the first in August, 1863.

Q. Who was the Grand Seignior of the order from the time of your first connection up to the time of your leaving Chicago?

A. I was initiated by C. W. Patten, acting as Grand Seignior; the next elected was W. C. Cowdy, but he failed in his attendance. I was elected to supply the vacancy, and, by virtue of my position as ancient brother, I filled that position up to the time I left Chicago.

Q. Have you met Judge Morris in the order?

A. Several times.

Q. Did you ever hear him address the order?

A. I think he was never present without addressing the order.

Q. State if you ever heard Judge Morris advocate the releasing the rebel prisoners at Camp Douglas?

A. I never did; and there was not a meeting while I was in attendance where I lost a word.

Q. Then, in all the times you attended the order, you never heard Judge Morris make any allusion to this project, did you?

A. I never did.

Q. State whether you ever heard Judge Morris in any of his speeches counsel resistance to the laws and Constitution of the United States?

A. Never, until a mob should force us to that position in self-defence.

Q. Did Judge Morris, in any of his speeches, ever refer to or advocate the dismemberment of the United States nation and the establishment of a northwestern confederacy?

A. I never heard of such a thing in the order from any person whatever.

Q. State whether or not, in all Judge Morris's speeches, if he counselled members of the order to observe the Constitution and obey the laws?

A. That was the tenor of all his speeches; so much so that I became so familiar with his style of speech that I could always tell what he was going to speak; that it would be to urge the observance of the Constitution and obedience to the laws.

Q. Have you heard what Judge Morris said about the infractions of the Constitution, arbitrary arrest, &c.

A. Yes, sir; he often spoke on these things, against which the democrats are accustomed to inveigh.

Q. Judge Morris spoke strongly, did he not?

A. That is his style.

Q. Do you know that Mr. Doolittle was actually rejected from the order?

A. Upon the first application of Mr. Doolittle, when there was a full meeting—perhaps fifty persons present—he was rejected by a very large majority; three ballots only were required to reject him. The reason assigned was, that he was so rabid in his politics that he was believed to be crazy.

Q. Do you know how he subsequently obtained admission?

A. It was brought up at a subsequent meeting, when, perhaps, there were from seven to ten persons present; he was vouched for, I believe, by a single member, and, upon that voucher, he was elected, and at the next meeting initiated.

Q. Was there any action taken by the order, favoring any suggestion of Mr. Doolittle in relation to the release of the prisoners at Camp Douglas?

A. No, sir, in no way, shape, or form.

Q. If there had been, would you have known it?

A. I could not have helped knowing it.

Q. There has been a paper exhibited here, do you recognize it?

A. Yes, sir.

Q. Do you know how it came to be published?

A. That was handed to me in manuscript by P. G. Wright. I put it in type myself, and it was struck off from those types.

Q. State whether that paper, during your connection with the order, was ever recognized as embodying the cardinal principles of the order to which the members were required to accede?

A. No, sir; the manner of gaining admission to the order was upon the vouchers of two persons belonging to the order to be sound, honest democrats and lovers of the Constitution and the laws of the country. It was contrary to

all the rules and actions of the organization to intimate to any one until after he was elected that there was such an order in existence.

Q. Were the principles enumerated in that instrument required to be subscribed to, as the necessary principles requisite to election in the order?

A. No, sir; a man was recommended simply upon the knowledge of the man who recommended him.

Q. Was that document ever adopted as a document of the order?

A. Not at any meeting or degree at which I was present, and I was connected with, and had knowledge of, every Temple in Chicago.

Q. Was it, then, as far as you know, the mere expression of the individual sentiments of Mr. P. C. Wright?

A. Mr. Wright so informed me, and he informed me that he was not authorized, as supreme commander of the order, to issue such documents at that time.

Q. Did that document, as far as you know, express the views entertained by the members of the order generally?

A. Some parts do.

Q. As a whole does it?

A. It being a year and a half since I read it, I cannot state that it does; the general principles, as far as I remember, are the general principles of the order, and the general principles of all peace democrats.

Q. Did Mr. Wright, as supreme commander of the order, require that persons being initiated in subordinate bodies should subscribe to those principles?

A. He did not; he had no authority to require it. Each Temple had power to receive any members they pleased, with what principles they saw fit.

Q. During your connection with this order, was there ever any project entertained by the order, to your knowledge, of giving aid and assistance to the rebellion, or to the southern rebellion, in arms against the government?

A. I never heard of anything of the kind.

Q. Then, if there is anything of that paper which points in that direction, it does not contain the sentiments entertained by members of that order, does it?

A. It does not.

Q. It has been stated that you were requested by Judge Morris to procure boarding-houses for southern officers during the convention; is that true or not?

A. Mrs. Morris requested me to secure a quiet and private boarding-house for some of her friends, without intimating to me the position they occupied, or the part of the country they came from. This is the statement I made to those witnesses who have sworn that Judge Morris requested me to provide boarding-houses for southern officers. He never spoke to me, and I have never spoken to any person, and no application was ever made to me by Judge Morris, to find boarding-houses for southern officers. I never so stated; and the only application was made by Mrs. Morris, on the Monday of the convention.

Q. It has been stated, I believe by Dr. Ayer, that there was an assessment of \$200 made upon the order at Chicago for some purpose; was it after Dr. Ayer became a member of the order?

A. That assessment was made by a committee of the grand council, during the session of the grand council in March of 1864; and our portion of the assessment was paid either the last of March or the first of April.

Q. Then the assessment was made, and the money was paid, while you were in Chicago, and consequently before Dr. Ayer became a member of the order. was it?

A. It was.

Q. Were you confined at McLane barracks at the same time that the deceased Anderson was there?

A. Yes, sir; some time before he committed suicide; and was there when he was taken away, after having shot himself. He shot himself about the middle of the day, and was taken away some time in the evening. He was removed

from the barracks the same day, from three to five hours after the act was committed.

Q. Were you present when Colonel Anderson made a statement to Colonel Burnett, in reference to this conspiracy, and the complicity of Colonel Grenfel in it?

A. I was in the room all the time Colonel Burnett was present, and heard a portion of the conversation.

Q. Did you hear Colonel Anderson make any statement in reference to Colonel Grenfel?

(Question objected to by the judge advocate, and withdrawn.)

Q. Was Colonel Anderson, when he made that statement, satisfied that he was about to die?

A. He so stated.

Q. What was that?

(Question objected to by the judge advocate, and the court was cleared for deliberation. Court being reopened, the judge advocate announced that the objection was sustained.)

Cross-examination by the JUDGE ADVOCATE:

Q. Where were you at the breaking out of the present rebellion?

A. In Clay county, Missouri.

Q. Where did you go from there?

A. To the confederate army under General Price. I was in the State service, at the breaking out of the rebellion, for two or three months, and from there returned to Liberty, and was there some time. In December, 1861, I enlisted in the confederate service, and remained in it until I was taken prisoner at the battle of Pea Ridge, and released on taking the oath of allegiance. I then went to Rolla and entered the United States service; I remained in that service from the 1st of May to the 1st of June, when I paid a visit to my family in Illinois, in 1862, and remained in that service until the 1st of October, when I went to Godi, Illinois; I remained there one month, and went to Chicago about the 6th of November, 1862; remained there until May, 1864, when I went to Bloomington, Illinois.

Q. What were you doing at Chicago?

A. I followed my trade at Chicago, at the Times and Tribune and Post offices; I was employed most of my time in the Times office.

Q. While there, did you join the order of American Knights?

A. Yes, sir; I joined either the last meeting in July or the first meeting in August; possibly later.

Q. Was that order ever changed?

A. It was changed, at the February meeting in New York, to the Sons of Liberty.

Q. Was there any material change in the principles of the order?

A. Not any material change; the oath remained very nearly the same, and the general principles remained the same. I always understood that the Illini was the local name of the order. The general name of the order was American Knights until February, 1864, when it was changed to the order of the Sons of Liberty.

Q. Had you any military part connected with the order?

A. We had not.

Q. Were any military offices held in the order?

A. At the March meeting of the grand council of the State of Illinois the only military resolution introduced or military business transacted was the introduction of a resolution to organize the democracy of the State for the purpose of attending celebrations as escorts; further than that I never heard of any military organization in the order. The State was divided into congressional districts, commanded by an officer who was called a brigadier general.

Q. Did you ever deliver any commission to any person in Chicago?

A. Yes, sir, to Christopher C. Strawn, about March or April.

Q. Who was the commission signed by?

A. The commission was issued by S. C. Judd.

Q. What was he brigadier general of?

A. The commission did not read in that way. I have since learned from Mr. Judd the commission delegated him for a congressional district without stating that he was a brigadier general. I never heard anybody speak of commission in the order. I understood it was a mere form. I never heard of any other appointment or election of any kind.

Q. Those military officials were *ex officio* members of the grand council, were they not?

A. I do not know that they were.

Q. Do you know that they were not?

A. I cannot say as to that. After my election to the grand council there never was but one session of it, and that was before the election of Strawn.

Q. Did you attend any sittings of the order at Chicago after about the 1st of May?

A. No, sir, I think not; I left Chicago about the 10th of May. I did not return to Chicago at the meeting of the national convention. I attended a meeting in the McCormack building, and the chair was taken in the first place by myself, for the purpose of installing Wilkinson as Grand Seignior.

Q. Did you ever attend any other meeting of the order except at Chicago?

A. Yes, sir, at Bloomington, Illinois, and two township meetings in the same county.

Q. Did you organize those Temples?

A. I did not; I went there to instruct the Temples in the working of the order. They had been organized as American Knights and were working with the old signs, grips, &c., and I went there to instruct them in the new ones.

Q. After the 10th of May, when you left Chicago, with the exception of this single meeting at the convention, did you know anything that took place in the order in Chicago?

A. No, sir; except as I have seen it in the newspapers.

Q. How are you able to state that no action was taken toward the appointment of Mr. Geary to assist destitute rebels during your absence?

A. I stated that up to the time I left Chicago no such action was ever taken.

Q. Did you not state that only two hundred dollars has been levied, and did you not testify that no such levy had been made up to the time you left.

A. I testified that it was made before I left Chicago, and that it was before Dr. Ayer became a member of the order.

Q. How do you know that such an assessment was made after you left Chicago?

A. I do not know whether any such levy was made by the local Temple or not, but no subsequent levy was afterwards made by the grand council, because it never had a meeting after that.

Q. Do you know of any official meeting and official notice having been given for the convention of all those men on the 20th of July?

A. I know nothing of the kind, and I was officially informed that there had been no such meeting, except that there was to be a meeting on the 4th of July for the convention. That session was never held, in consequence of the misunderstanding of the members. A number of the members went up there, but a larger number staid away, and no meeting was ever held; and I am officially informed that no meeting was ever held in Chicago, though there was a meeting of the members of the supreme council, but not a quorum; that was after the 4th of July; I learned that from the grand commander, who is a member of the supreme council.

Q. Do you say you put in type this address that has been submitted ?

A. I did, in Chicago.

Q. At what place ?

A. I do not know that the gentleman whose office I held is on trial here ; it was in the office of Jerry Thompson, on Dearborn street ; he had a job office.

Q. Did he know that you were setting up that instrument there ?

A. He knew I was setting up some kind of a document, but I never read it to him, and I am sure he did not read it ; I kept it in my own hands, except having a printer to assist me in setting it up. His name is Driggs ; he was a member of the order of American Knights, but never attended but once, I think.

Q. For what purpose was the instrument put in type ?

A. For the purpose of circulation among the order of American Knights ; S. C. meant supreme commander.

Q. Was that circulated as a document emanating from the supreme commander ?

A. Yes, sir ; from the supreme commander as an individual, but not as an officer of the order.

Q. Why did he sign it officially ?

A. I do not know.

Q. How do you know that it was circulated only as an individual expression of opinion ?

A. I aimed to state to every man that it was issued by Mr. Wright, and at the same time that it had not been issued by any order of the supreme commander.

Q. Did you tell any person that it was issued by Mr. Wright in his individual capacity ?

A. I said to many that he had no order from the supreme council to issue anything of the kind ; moreover it was not customary at that time of the year to issue such an address.

Q. Did not that address give the sentiments of many, if not all, the members of the order ?

A. Yes, sir, of many members of the order, and of peace democrats. As members of the order, I do not know they were the sentiments of anybody.

Q. The document being in print and in shape for circulation, any person who subscribed to that doctrine was therefore eligible—could be a member of the order ?

A. The subscription to that document was not necessary to the order, but no member of the order was allowed to state that such an order was in existence until the man was taken to the temple for initiation.

Q. How then would a man assent to the principles of the order ?

A. Every person was supposed to know by long acquaintance with a friend precisely what his principles were, and upon his knowledge of those principles proposed him, if he was just what they wanted.

Q. Did you not say you had heard Doolittle advocating the release of prisoners ?

A. No, sir ; not exactly. He was referring to it.

Q. Did he refer to it frequently ?

A. I suppose I heard him a half a dozen times up to the tenth of May.

Q. Was he ever rebuked by the order or threatened to be arrested if he entertained such treasonable sentiments ?

A. A great many members, among them Judge Morris, answered his arguments opposing it. I never heard any one else support his views. There was advice that he should suppress all such speeches, as they were not in accordance with the objects of the order.

Q. Was he ever ordered by that body in any action to suppress such speeches ?

A. No, sir ; excepting you may consider that the many resolutions that he introduced were invariably voted down about the manner of treating members.

Q. You do not know what took place in the order in Chicago after the 10th of May, do you ?

A. No, sir.

Q. Did you ever hear any other person make that kind of speech ?

A. No, sir ; not members of the order, though I have heard remarks of that kind from some who were in the city, that it would be a good thing to release the prisoners ; but they were not members of the order to my knowledge.

Q. Do you recollect any of those persons ?

A. No, sir.

Q. Do you remember hearing any discussion during the convention week ?

A. No, sir.

Q. What did you say were the objects of the order of the American Knights ?

A. The objects of the order were self-defence, when pushed into it—of the members of the order ; carrying of elections by organized legal effort, and otherwise advancing the interests of the democratic party.

Q. Pushed to it by whom ?

A. When attacked by anybody not a member of the order.

Q. Who did you expect to attack them ?

A. It was generally expected that the opposition party would attack them.

Q. Was it to be an armed attack ?

A. My understanding was that there would be an attack made, and supposed, if so, it would be an armed attack, composed of all the opposition party, including soldiers and citizens.

Q. You were ready to meet the attack, were you ?

A. Yes, sir ; that was the intention.

Q. Were you looking forward to the successful resistance of that attack ?

A. I do not know of any such arrangement being made in Chicago.

Q. Have you ever heard Judge Morris advocate that ?

A. I have heard him urge members to be ready at any time.

Q. What did Judge Morris say in this connection about arbitrary arrests ?

A. I do not think he ever made a speech in the order without referring to the arbitrary arrests.

Q. What remedy did he propose for that ?

A. To the best of my recollection it was resistance on the spot.

Q. Was the order to do it as far as they could ?

A. He never so stated.

Q. What was the general purport of his speeches, that they should be ready to resist when these illegal arrests were to be made ?

A. He advocated resistance.

Q. By whom were these arrests made ?

A. By officers of the administration.

Q. What was his general designation of the powers exercised by the administration at that time ? Did he treat them as usurped powers ?

A. He spoke of them as usurpers. He said distinctly that the President usurped many powers. He designated, in the first place, the writ of habeas corpus, at another time of illegal, arbitrary arrests.

Q. Did he say what was to be done with usurpers ?

A. He did not.

Q. Was not the remedy for these evils laid down in the ritual of the order ?

A. Yes, sir.

Q. Do you remember of his speaking of undelegated powers ?

A. I do not know that I have heard him use that term.

Q. Do you know what terms he recommended to resist usurped powers.

A. To resist them on the spot.

The judge advocate here read to the witness, from the ritual of the Sons of

Liberty: "Whenever the officials to whom the people have intrusted the powers of the government shall refuse to administer it in strict accordance with the Constitution, and shall assume and exercise power or authority not delegated, it is the inherent right and imperative duty to resist such officials, and if need be to expel them by force of arms. Such resistance is not revolution, but is solely the assertion of right."

The witness continued:

A. That is one of the doctrines of the order claimed to have been received by them from the fathers of the Revolution, precisely as they did from George III.

Q. Did you ever hear that contradicted in the order?

A. I never did. They were read to every person who became a member of the order, to which they were required to pledge their honor.

Q. I understand you were at Bloomington, Illinois?

A. Yes, sir.

Q. When were you there?

A. About the 17th of June, 1864, and I attended a meeting the first week I was present.

Q. Did I understand you to say that you never heard of the contemplated release of prisoners in the order?

A. Yes, sir.

Q. Did you ever hear of it out of the order?

A. Under these circumstances, I did: there was perhaps a party of eighty persons, who passed through Bloomington dressed in butternut clothing, who excited universal attention; that was two or three days preceding the presidential election. The only discussion I heard in regard to the release of Chicago prisoners—

(Testimony objected to by the accused and question withdrawn.)

Q. Had you any conversation about this time with any member of the Sons of Liberty in reference to any contemplated release of rebel prisoners?

A. I never had any conversation of the kind with any person excepting what might be the object of the persons who passed through Bloomington, and one democrat I heard speak of it claimed that they should have been arrested in Bloomington; but it was only a street rumor.

Q. Did you have any talk with a member of the order in reference to what those men were going there for, and what did that member tell you they were going there for?

A. Dr. Worrall was a member of the order of American Knights. The order of the Sons of Liberty had not been organized at the time in Bloomington. Shortly after I went there a meeting was held there to organize the Sons of Liberty, and they organized as members of that order. Worrall was with us, and several others, republicans however. I held conversations upon the street in regard to these men.

Q. Was any person present when you had conversations with Worrall?

A. Between twenty and fifty persons were present.

Q. Did he state what those persons were coming to Chicago for?

(Question objected to and withdrawn.)

By the JUDGE ADVOCATE:

Q. Do you know who was the brigadier general of the order in Chicago, if there was one, in August?

A. To the best of my knowledge, in Chicago or Cook county there never had been but one brigadier general, and that was Mr. Christopher Strawn.

(The counsel for the accused having submitted the names of four witnesses for whom subpoenas were desired, the judge advocate objected.)

The court was cleared for deliberation. On being reopened, the judge advo-

cate announced that it had been decided that names of all the witnesses desired by the accused should be submitted to-day.)

The commission then adjourned to meet on Friday, March 24, at eleven o'clock a. m.

MILITARY COMMISSION, CINCINNATI, OHIO,
March 24, 1865—11 o'clock a. m.

The commission met pursuant to adjournment.

Present, all the members excepting Colonel Benj. Spooner; also present, the judge advocate, the assistant counsel, the accused and their counsel.

The proceedings were read and approved.

BESSIE TEAHON, a witness for the defence, was then introduced, and being duly sworn by the judge advocate, testified as follows :

By the accused :

Q. Please state you name and place of residence.

A. Bessie Teahon; I reside in Chicago, Illinois.

Q. How long have you resided there?

A. About ten or eleven years, I think.

Q. What is your age?

A. I am nineteen years of age.

Q. Do you know Mr. Charles Walsh?

A. Yes, sir.

Q. Are you a sister of Mrs. Walsh?

A. I am.

Q. Do you remember there was a national democratic convention in Chicago last summer?

A. Yes, sir.

Q. Where were you on the Sunday before that?

A. I was at Mr. Walsh's.

Q. Did you remain there all that day?

A. No, sir; I went with Mrs. Walsh to Father O'Dowd's funeral.

Q. Where did you go after the funeral?

A. To our house, on the west side.

Q. Who went with you?

A. Mrs. Walsh.

Q. How long did she remain there?

A. All that night, and all day Monday until about 10 o'clock in the evening.

Q. What was she doing on Monday at your house?

A. We were breaking up housekeeping.

Q. Who went away with Mrs. Walsh?

A. My brother, Willie Teahon.

Q. Did he remain away all that night?

A. Yes, sir.

Q. Before that had you been living at Mr. Walsh's?

A. No, sir; but after the convention I went to Mrs. Walsh's and staid there.

Q. Do you remember the evening Mr. Walsh was arrested?

A. Yes, sir.

Q. Where were you on the day he was arrested and the day before?

A. I was at Mr. Walsh's house.

Q. Where were you on the evening of the day he was arrested?

A. I was at his house.

Q. Do you remember any person coming to Mr. Walsh's house that evening?

A. There were two young gentlemen, who came with my brother Joseph.

Q. Had you ever seen them before?

A. No, sir.

Q. Were you introduced to them ?

A. Yes, sir.

Q. Did any other gentlemen call that evening ?

A. Yes, sir ; Mr. Campbell and Galloway.

Q. How long did they remain ?

A. I don't exactly know.

Q. Do you remember when you went to tea that evening ?

A. Yes, sir.

Q. Who went to the tea table ?

A. The two young gentlemen who came with my brother.

Q. Was Mr. Walsh at the tea table ?

A. Yes, sir. He was there introduced to the two young men by his daughter Mary.

Q. Did Mr. Walsh remain or go away after tea ?

A. Mr. Walsh and my brother went away shortly afterwards, and said they would return in the course of an hour.

Q. What were the names of the young men ?

A. Cantrill and Travis, as I understood.

Q. How long did they remain ?

A. They remained all night, as my brother and Mr. Walsh did not return as they had expected. Joseph and Mr. Walsh missed the last car ; that was the cause of their not coming back that night ; and we invited them to remain all night.

Q. Were you there on the night of Mr. Walsh's arrest ?

A. Yes, sir.

Q. Do you remember any of the persons who came over to arrest him ?

A. Yes, sir. I remember Major Skinner, Captains Phillippateaux and Sponable ; but I did not hear the names of the private soldiers.

Q. What was done there at that time ?

A. The sofa, chairs, and piano were broken.

Q. Was anything said to the ladies by any person there ?

A. Yes, sir ; Captain Phillippateaux acted very ungentlemanly.

Q. What did he say ?

A. He said he wished the boys to get some tokens, mementoes, or kisses from the ladies, to remember them by.

Q. What else did he say ?

A. If they saw anything coming down stairs with breeches or petticoats on them to send them around so as to get a look at them.

Q. Was there anything said to Phillippateaux in remonstrance of his conduct ?

A. Mary Walsh said to him that he ought to be ashamed of himself to use such language in the presence of ladies.

Q. What language did she refer to ?

A. To send us around that he might have a look at us. He also used profane language.

Cross-examination :

By the JUDGE ADVOCATE :

Q. Were you there all the time until Mr. Walsh —— ?

A. Yes, sir.

Q. You heard all that was said there, did you ?

A. Yes, sir.

Q. Do you think you have given what was said there ?

A. Yes, sir.

Q. Was it not qualified in any way ?

A. I cannot say that I have said everything.

Q. Did you hear all that was said by Captain Phillippateaux ?

A. He might have said something that I did not hear when he was in other parts of the house.

Q. Were you with the other young ladies all the time ?

A. I was through the house all the time with Captain Phillippateaux. I was where he was.

Q. You say the sofa, chairs, and piano were broken, do you ?

A. Yes, sir.

Q. What part of the sofa was broken ?

A. The springs were broken ; it was a covered sofa.

Q. Who broke the springs ?

A. I did not see it broken ; it was not broken before the arrest was made, but it was broken after. There was no one there except the girls and myself.

Q. Was not young Walsh there ?

A. Yes, sir. He was arrested with his father.

Q. Were there other men there ?

A. My brother and his son.

Q. Were Cantrill and Travis arrested at the same time ?

A. I have heard they were, but I did not see them.

Q. Do you know, of your own knowledge, that they broke the chairs ?

A. I do not.

Q. Did any one sleep on the sofa after that ?

A. No, sir.

Q. What chairs were broken ?

A. Those in the back parlor.

Q. What kind of chairs were they ?

A. Red velvet and cane-seat chairs. The backs of two or three were broken: two velvet chairs and one cane-seat chair.

Q. Who broke them ?

A. I do not know.

Q. Do you know how they were broken ?

A. No, sir.

Q. What part of the piano was broken ?

A. The ivory off the keys.

Q. How many keys ?

A. Three or four.

Q. Were they all consecutive keys ?

A. Yes, sir.

Q. Was it at the centre or the ends of the keys ?

A. The ivory from the end of the keys was broken.

Q. Did you see any one break the piano keys ?

A. No, sir ; but it was done that evening.

Q. Did they look as though they had been broken by anything falling on them ?

A. I do not know.

Q. Did you hear any one thumping the piano that night ?

A. I saw some soldiers go over to the piano and raise the cover.

Q. Were they searching for cartridges ?

A. I do not know.

Q. Did you see any one break it ?

A. No, sir.

Q. Do you know who broke the piano ?

A. No, sir.

Q. Did you see the lounge during the evening ?

A. Yes, sir.

Q. Did you see it broken ?

- A. No sir.
- Q. Were any cartridges taken from the lounge ?
- A. I do not know ; I did not see any.
- Q. Do you know of any being taken from the lounge ?
- A. No, sir.
- Q. Do you know that one of the girls claimed a breastpin ?
- A. No, sir.
- Q. Do you know that where that breastpin was found, some partly manufactured cartridges were made ?
- A. No, sir. The bracelet was taken off the sofa ; I saw it.
- Q. Did you see any partly manufactured cartridges taken off the sofa ?
- A. Not to my knowledge.
- Q. Did you see the officers when they went to the lounge ?
- A. No, sir.
- Q. Did you see any powder in saucers, or partly manufactured cartridges ?
- A. No, sir.
- Q. Will you swear that no powder or cartridges were taken from that lounge at that time ?
- A. I did not see any.
- Q. You say that Captain Phillippateaux said " Take some memento from the ladies to remember them by ? "
- A. Yes, sir ; I am certain that was his language. He said if a man saw any one coming down stairs with breeches or petticoats on to send them around that he might see them.
- Q. How many were in the room when he spoke of taking kisses as mementoes from the ladies ?
- A. Mary and Maggie Walsh and several soldiers, but no commissioned officer beside Captain Phillippateaux.
- Q. Who did he use profane language to ?
- A. To his men.
- Q. How many men were in the room when Captain Phillippateaux made that observation ?
- A. Two or three.
- Q. Had you ever seen any shot cartridges or powder about the house ?
- A. Yes, sir ; up stairs, in the front room.
- Q. When was your attention first called to it ?
- A. I do not exactly remember.
- Q. State as near as you can.
- A. I cannot state positively.
- Q. What did you see there ?
- A. Powder, shot, and paper for making cartridges.
- Q. Where did you see that ?
- A. Up stairs, in the front room.
- Q. Was it cut up ?
- A. No, sir ; it was in large sheets.
- Q. Did you see any cartridges after they were manufactured ?
- A. I saw cartridges after they were made in the front room on the stand.
- Q. What were they in ?
- A. I think they were in the wash-bowl.
- Q. Did you see shot and powder ?
- A. Yes, sir.
- Q. And paper, also, in large sheets for manufacturing cartridges ?
- A. Yes, sir.
- Q. Do you remember any cartridges being taken out from the bed on which Mrs. Walsh was sleeping on the night of the arrest ?
- A. No, sir.

Q. Did you see any shot or powder taken from or from under the bed ?

A. I am positive there was none there. I was there all the time, and I am positive that none was taken from or from under the bed.

By JUDGE WILSON :

Q. You speak of a bracelet being found ; tell us how it came to be found. .

A. When Miss Mary first discovered that she could not find it, she told Captain Sponnable that she left it on the stand. She searched the sofa and afterwards found it. Captain Sponnable said to a soldier, " It must be found." ' Mary went there afterward and found it; but she had looked and looked there before and could not find it.

Q. Did you ever see any guns there ?

A. Yes, sir ; in the front room up stairs.

Q. Did you ever see any pistols ?

A. Yes, sir ; they were there, also, up stairs.

Q. Did you ever see any pistols anywhere else ?

A. Down stairs in the lower room, off the back parlor.

Q. Were any of those rooms kept locked ?

A. No, sir.

Q. Were you ever cautioned not to speak about them ?

A. No, sir.

T. W. Bartley, esq., counsel for the accused, desired an order from the commission compelling the attendance, as a witness in this case, of P. C. Wright, late supreme commander of the Sons of Liberty.

The judge advocate objected on the grounds of delay necessarily attendant on granting the application at this stage of the proceedings.

The court-room was cleared for deliberation. On being reopened, the judge advocate announced that the commission desired the reasons for the attendance of P. C. Wright to be reduced to writing.

Robert Hervey, esq., counsel for the accused, submitted a motion to the commission requesting a compulsory process to be issued for the attendance of S. C. Judd and James A. McMasters ; said motion, marked Government Exhibit, hereto attached and made part of this record. T. W. Bartley, esq., counsel for the accused, then submitted in writing the reasons for desiring the attendance of P. C. Wright as a witness ; said motion, marked Government Exhibit, hereto attached and made part of this record.

The court was cleared for deliberation. On being reopened, the judge advocate announced that the names of S. C. Judd, James A. McMasters, and P. C. Wright should be added to the list of witnesses to be telegraphed for by the judge advocate.

The commission adjourned to meet on Monday, March 27, 1865, at 11 o'clock a. m.

MILITARY COMMISSION, CINCINNATI, OHIO,

March 27, 1865—11 o'clock a. m.

The commission met pursuant to adjournment. All the members present excepting Colonel Ben. Spooner ; also present, the judge advocate, and the assistant counsel, the accused and their counsel.

The proceedings were read and approved.

PATRICK R. MORGAN, a witness for the accused, was introduced, and being duly sworn by the judge advocate, testified as follows :

By the accused :

Q. State your name, residence, and occupation.

A. Patrick R. Morgan ; residence, Chicago, where I have resided since June

1834; keeping a stable, boarding and doctoring horses; I started as salesman in 1847.

Q. Do you know Mr. Walsh?

A. Yes, sir; I have known him about ten years.

Q. Do you know anything about Walsh being engaged in raising troops for the war?

A. Yes, sir; I have known him engaged in raising the Irish brigade.

Q. Did you ever hear his loyalty questioned?

A. No, sir; not up to the time of his arrest.

Q. Did you ever see any arms in Chicago which, at the time, caused you to make any remarks?

A. On the 7th of November, the day before the presidential election, I saw an expressman and a soldier standing alongside of my stable in the alley, and taking out a lot of guns at 151 Lake street. I noticed a soldier on the express, and I saw the wagon and guns going in the back way of the store of Biggalow Niulkie, which was an unusual thing. I never saw anything going in that way before; they went through a yard occupied by me, and they drove in my yard, which runs up to the dry goods store, for which the building is used.

Q. What number of arms were there?

A. I could not tell, as the wagon was perhaps a hundred feet from me. There were, I think, three boxes.

Q. What is the political cast of the occupants of that store?

A. One, I think, is a member of the legislature, and they are, I think, what are called abolitionists. I have heard one of them called an abolitionist.

JOHN W. ROADS, a witness for the accused, was then introduced, and being duly sworn by the judge advocate, testified as follows:

By the accused:

Q. State your name and position in the service?

A. John W. Roads; I am in the United States service, doing guard duty at McLean barracks, Cincinnati.

Q. Were you at Camp Douglas, some time ago with some New York regiment that was there?

A. I was there in the fall of 1862.

Q. Were you one of the persons taken prisoner at Harper's Ferry?

A. Yes, sir.

Q. Do you know where Mr. Walsh lives?

A. Yes, sir.

Q. Do you know where his barn is?

A. Yes, sir.

Q. Do you know if that barn was given up to the officers and soldiers?

A. Yes, sir; and I know it was partly occupied by horses—one colonel's horse was kept there. Different companies occupied the barn.

Q. Do you remember whether Mr. Walsh had charge of any other soldiers?

A. I heard that he had some sick soldiers at different houses.

Q. Were there many men occupying the barn?

A. There was nearly a full regiment.

Cross-examination by the JUDGE ADVOCATE:

Q. Do you know how much pay Mr. Walsh got for it?

A. No, sir.

Q. Do you know how much pay he got for the horses in his stable?

A. No, sir.

Q. How many men were in that barn?

A. Perhaps there were 500 to 700 in and about the shed for at least two days.



because they could not get quarters in the camp; but I know nothing about what was paid for it.

The commission then adjourned to meet on Tuesday, March 28, 1865, at two o'clock p. m.

COURT-ROOM, CINCINNATI, OHIO,

March 28, 1865—2 o'clock p. m.

The commission met pursuant to adjournment. All the members present except Colonel Benjamin Spooner; also present the judge advocate, and the assistant counsel, the accused and their counsel. The proceedings were read and approved.

HENRY A. P. PHELPS, a witness for the accused, was then introduced, and being duly sworn by the judge advocate, testified as follows :

By the accused :

Q. State your name, residence, and occupation.

A. Henry A. Phelps; I have resided in Chicago since a year ago last July; I keep a hotel there known as the Avery House, on the corner of State and Second streets.

Q: Do you know Dr. J. Winslow Ayer?

A. Yes, sir.

Q. How long have you known him?

A. About a year.

Q. Where did you first become acquainted with him?

A. At his office; he was doctoring me for throat disease.

Q. Are you the same person that Dr. Ayer referred to as being the only honest man he could get to join the Sons of Liberty?

A. I suppose I am the one he referred to.

Q. Where did you first learn there was such an organization as the Sons of Liberty?

A. At Dr. Ayer's office.

Q. When?

A. In the summer of 1864.

Q. How many times did you hear that order spoken of before you joined it?

A. He spoke about it several times before I became a member.

Q. At whose request did you join the Sons of Liberty?

A. At the request of Dr. Ayer.

Q. How many different times did he ask you before you joined?

A. He talked about the society many times before I joined.

Q. What did he call the order when he spoke of it?

A. The Sons of Liberty.

Q. What did he tell you the objects of the order were?

A. He said it was a democratic organization, and that it was got up as an offset to the Loyal League.

Q. What did he say he knew about the Loyal League at that time?

A. He said they were armed; that he knew it. I told him I had never heard of their being armed, and asked him how he knew it. He said he had seen their arms; that he had been in one of the halls where they met. I asked him how he got in. He said he met a man a friend of his, who was a mason, and this man inquired if he was going to the lodge; he said he would, and he went right along with this man, and he went to the Loyal League meeting. He said he saw their arms, and that he saw what he wanted and then came out.

Q. Was there anybody else in his office that he introduced as a mason?

A. Yes, sir; a man by the name of Alexander.

Q. Did Ayer know at that time that you were a mason ?

A. Yes, sir ; I introduced myself to him as a mason, the first time I went to his office.

Q. What had he done in his office that let you know that he knew you were a mason ?

A. He lectured a man for over an hour on the first three degrees in his office in my presence.

Q. Who vouched for you when you joined this order ?

A. Dr. Ayer.

Q. When did you first know that there was such an order as the Sons of Liberty ?

A. Not until Dr. Ayer told me about it.

Q. What occurred between you and Dr. Ayer after you went to the first meeting of the Sons of Liberty ?

A. He told me to come on such a night ; I went up and joined ; when we came down stairs, at his request I went into his office. He asked me how I liked it. I told him I didn't like it very well. This was the same evening I joined, and I told him I did not think I should go any more. He said I had not learned much about it, and that he wanted me to come again and get all the democrats I could.

Q. Why did he say that he wanted you to get all the democrats you could ?

A. He said he wanted to get all the democrats he could.

Q. Did he give any reason for this ?

A. He said they would be more apt to vote the democratic ticket. He said he was as anxious to have McClellan elected as I was.

Q. Did you go to the Sons of Liberty a second time ?

A. Yes, sir ; I went the second time, and I spoke to several who lived in my neighborhood, and they said they would come, and one went up with me. His name was Edwin Bunbridge ; we went up to the doctor's office and Mr. Bunbridge went with me. I introduced Mr. Bunbridge to him, and he said he knew him, and the doctor appeared to know him, and that he had met him in the masonic lodge.

Q. What then occurred ?

A. I told the doctor I had brought him up with me to join the Sons of Liberty, and that I was afraid he would not like it any better than I did, and I was sorry I had brought him. He said I knew nothing about it as yet.

Q. What do you know as to the kind of persons they were that you met at the institution ?

A. I told him that there was no one there that I knew, and that I did not like the appearance of the people I had met the first time, and that I could not come again. He said there were many that belonged to it that were not there, and he wanted me to come again, but I did not go any more.

Q. Did he say anything to you about what they were going to do about the convention ?

A. He spoke about it and said that the convention might be interrupted, and that they would arrest Vallandigham, and that the democrats would be on hand to fight.

Q. What did he say the object of the order was with reference to the election ?

A. He said they were all going to be armed, and that he thought the democrats would not be allowed to vote for democrats at the election, and that this order were all going to be armed to protect themselves at the polls, if there should be any trouble.

Q. Did he say anything about the officers of the order ?

A. I made a little fun of it ; that it did not amount to anything ; that there

was nobody there that I cared about; but he said that there were many of the best men belonged to it; that they were all organized and had officers and brigadier generals.

Q. What did he say about brigadier generals?

A. He said the brigadier general was a man by the name of Walsh, who lived near Cottage Grove.

Q. Did you afterwards see Mr. Walsh?

A. Yes, sir; I saw him once. He came into my house on the corner of State and Second streets.

Q. Who was there besides Mr. Walsh?

A. There were quite a number there. Mr. Campbell was there.

Q. Is this the only conversation you had with Mr. Walsh upon the subject of guns?

A. I never saw him except that time until I saw him to-day.

Q. What was said at the time with reference to the election?

(Question objected to and withdrawn.)

Q. Did you communicate to Dr. Ayer anything of the conversation that occurred between you and Mr. Walsh at the time you speak of?

A. Yes, sir.

Q. Is that the only interview that ever occurred between you and Mr. Walsh, and the only one that you ever communicated to Dr. Ayer?

A. Yes, sir; it is the only time I ever saw the doctor; I told him what the conversation was.

Q. What was said in this conversation?

(The testimony was objected to by the judge advocate, as hearsay and incompetent. The court was cleared for deliberation. On being reopened the judge advocate announced that the objection was sustained.)

Q. Did you join this order to assist Dr. Ayer in some special service?

A. No, sir.

Q. Did Walsh ever tell you that the arms were snugly packed and would defy all scrutiny?

(The question was objected to by the judge advocate, and the question was withdrawn.)

Q. Did you ever tell Dr. Ayer that Walsh had told you that he "had arms snugly packed, that would defy all scrutiny?"

A. No, sir. I told him that Mr. Walsh said he had arms.

Q. Did Walsh ever tell you any such thing?

(The question was objected to by the judge advocate as incompetent. The court was cleared for deliberation. On being reopened the judge advocate announced that the objection was sustained.)

Q. Did you ever tell Dr. Ayer that Walsh asked you if you had a secure place in which to store arms?

A. No, sir.

Q. Did you ever tell Dr. Ayer that you declined any application of Walsh to take arms?

A. No, sir.

Q. State whether or not you did decline to take any arms offered you by Walsh.

A. I did not.

Q. Did you offer to take them?

A. Yes, sir.

Q. Did you ever state to Dr. Ayer that Mr. Walsh had told you that he had made other deposits of arms in other parts of the city with those who could be trusted?

A. No, sir.

Q. Did Dr. Ayer at any time, either before or after you joined this order, warn you against any danger that would arise to you in consequence of joining?

A. No, sir; he never did.

Q. Did you ever ask Dr. Ayer to propose your name that you might become a member of the Sons of Liberty?

A. I never asked him; to I think, probably I told him he might. The doctor proposed to me that I should become a member, and I probably told him he might offer my name.

Q. Did you go to Ayer's office two or three times to see him on this subject?

A. No, sir; I never went to his office to see him on this subject at all. Dr. Ayer was attending me at the time as a patient.

Q. What did Dr. Ayer say to you about his being driven out of Kentucky?

A. He spoke about being driven out of Kentucky on account of his political opinions, and he spoke about people being arrested and sent to prison without a trial, and other things. He said there were a great many illegal arrests.

Q. What did he say would occur to the inhabitants of Chicago if they did not arm themselves?

A. He said the democrats would not be allowed to vote. I told him I had not seen any trouble, but he said I did not know what had occurred in Kentucky, and that the administration would do the same thing in Chicago if they had the power.

Q. Did you, in the conversation you have testified to, when you informed him of what Walsh had told you, did you inform Dr. Ayer that you had offered to take those arms?

A. Yes, sir; I did.

Q. Did you, in that conversation, inform him of the manner in which Walsh informed you he would send you the arms?

A. Yes, sir. I told him every word Walsh said.

Q. Did you, in that conversation, tell him that Walsh proposed to send you two boxes of arms on the horse cars?

A. Yes, sir.

Q. Did Dr. Ayer know what your business was in the city of Chicago?

A. Yes, sir; he has been at my house.

Q. Have you ever seen Dr. Ayer since he has been a witness here?

A. I just met him in the street one evening and spoke to him.

Q. What did he say to you about what was going on in Cincinnati?

(Question objected to as incompetent, and withdrawn.)

Q. Did he not meet you on the street in Chicago, since he testified here, and say that they were giving them hell in Cincinnati?

A. Yes, sir; I just met him on the street, and he said "They are giving those fellows hell in Cincinnati," and he desired me to come over to his office. That was about two weeks ago. I did not go to his office.

Q. Did you relate to Dr. Ayer at the time of the interview that he testifies to, what had occurred and all that was said between you and Walsh?

A. Yes, sir.

Q. You may tell all that you told Dr. Ayer of what did occur between you and Walsh at that time.

A. I told the doctor I had seen his brigadier general that he told me about. He wanted to know what he said. I told him that Mr. Campbell had given me an introduction to him, and in the conversation there was something said about the election, and some one of us asked if there was to be any trouble at the election. Walsh said he hoped not. I asked Walsh if the democrats were going to be armed, and whether or not he had any arms. He said "Yes," he was going to have some arms, and he asked Campbell if he had some place where he could put a couple of boxes of arms, and he said no. He then turned to me and asked me the same thing, and he said he would send me two small

boxes on the horse-car, and the next time I saw Ayer I told him this exact conversation as it occurred between Walsh and myself.

Q. Did you ever hear from any quarter, in or out of the Sons of Liberty, that Walsh was a brigadier general except what Dr. Ayer told you?

A. No, sir; that was all, until after he was arrested.

Q. Did you ever hear, in or out of the order, of any attempt to release prisoners at Camp Douglas or burn the city of Chicago?

A. I never did.

By ROBERT HERVEY, esq.:

Q. Did you ever meet Judge Morris?

A. Yes, sir; I met him in the order the second and last time I attended. That is the only place I ever saw him except here to day.

Q. When were you initiated?

A. It was before the democratic convention, I think, but I am not positive. It was after Dr. Ayer became a member of the order. I know it was a warm night when I became a member, but I do not remember the exact time.

Q. Was Judge Morris present at the time of your initiation?

A. No, sir; nor during the evening. The only time I ever saw Judge Morris in the order was on the last occasion I attended a meeting.

Q. Did the judge address the meeting on that occasion?

A. Yes, sir; for a few minutes.

Q. Did he make any reference to the prisoners at Camp Douglas, or any project to sack and burn the city of Chicago?

A. No, sir; nothing of the kind.

Q. Did you ever from the Sons of Liberty, in or out of the order, understand that any objects of the order were to release the prisoners at Camp Douglas?

A. No, sir; never.

Q. Did you ever hear, in or out of the order, that it was one of the objects and purposes of the order to sack and burn the city of Chicago?

A. No, sir; never.

Q. Dr. Ayer has stated that you did not join the order at his request; is that true?

A. I joined at his request.

Q. So that when Dr. Ayer states that you did not join the order at his request he states what is untrue, does he?

A. Yes, sir; he does.

Q. Dr. Ayer states that he did not advise you to become a member of it; is that true?

A. He said he would like me to become a member of it.

Q. Dr. Ayer states that he said nothing as to the objects and character of the order; is that true or false?

A. It is false.

Q. Did you ever tell Ayer that you had refused to take charge of some arms that Walsh had desired you to take charge of?

A. I never did.

Q. Did you tell Dr. Ayer that Walsh had made a deposit of arms with persons on whom he could rely?

A. No, sir.

(The manner of questioning the witness was objected to by the judge advocates leading and advertising the witness as to the answers desired. The court was cleared for deliberation. On being reopened the judge advocate announced that the objection was sustained.)

Q. Do you recall the purport of Judge Morris's speech on the occasion when you heard him address the Sons of Liberty?

A. He spoke about the coming election. He said he thought Lincoln would

be re-elected, and that there was a prospect, if the democrats in Illinois would elect their candidate, that there would be no more citizens of Illinois arrested and taken away without trial.

Q. Did he not on that occasion caution the members of the order to observe the Constitution and the law ?

A. Yes, sir.

By Judge WILSON :

Q. Did you tell Ayer in the conversation referred to that you told Walsh that you believed that the Sons of Liberty were all a humbug, and that you would not go to it again ?

A. Yes, sir, I did.

By the COURT :

Q. I understand you to say that at one time at Ayer's office the doctor lectured a candidate on the three degrees of masonry ?

A. Yes, sir.

Q. What did Ayer say was the cause of his being driven from Kentucky ?

A. He said it was on account of his political opinions.

Q. Did he tell you by what authority he was expelled from Kentucky ?

A. He did not.

A. A. CAMPBELL, a witness for the accused, was then introduced, and being duly sworn by the judge advocate, testified as follows :

By the accused :

Q. State your name, residence, and occupation.

A. A. A. Campbell. I have lived in Chicago eleven years. I have been foreman of the Chicago City Railway Company for the last six years.

Q. Do you know where the Ulick House is ?

A. Yes, sir.

Q. Do you know the Follingsby's block ?

A. Yes, sir.

Q. Do you know whether or not there were any persons drilling in that building ?

A. Yes, sir ; I have heard them.

Q. What did you hear ?

A. I heard them go through with their exercise, and heard the muskets drop on the floor in their drill.

Q. Did you see anybody going in or out during the evening ?

A. I saw several, but no large number.

Q. Did you ever see any persons come out with guns ?

A. I saw a company come out as they were going to drill on the prairie.

Q. How many were there in the company ?

A. Not less than twenty.

Q. Had they guns ?

A. Yes, sir.

Q. Were they in uniform or in citizens' dress ?

A. In citizens' dress, but some of them had military caps.

Q. How long was it before they returned ?

A. I did not take notice how long they were absent ; I saw them go out, and I saw them come back.

Q. What was that building occupied for ?

A. The hall was occupied for the Union Leaguers to drill in.

Q. Do you know of any person trying to get access into this room ?

A. I sent two men there, but they could not get in at the time when they were drilling.

(Testimony objected to by a member of the court as incompetent.)

Q. Were you present at any conversation, in Mr. Phelps's house, between Mr. Walsh and Mr. Phelps?

A. I happened to be at his house, and Mr. Walsh came in to wait for the through car to Camp Douglas. I introduced him to Mr. Phelps and we had a drink together.

Q. Was there any conversation there upon the subject of your taking arms, or Mr. Phelps taking them?

(Question objected to and withdrawn.)

Q. Did Mr. Phelps at that time offer to take arms?

(Question objected to and withdrawn.)

Q. Did Mr. Walsh at that time offer to send up any arms on the horse-car?

(Question objected to and withdrawn.)

The commission then adjourned to meet on Wednesday, March 29, 1865, at eleven o'clock a. m.

COURT-ROOM, CINCINNATI, OHIO,

March 29, 1865—11 o'clock a. m.

The commission met pursuant to adjournment. All the members present, except Colonel Spooner; also present, the judge advocate and the assistant counsel, the accused and their counsel.

C. L. VALLANDIGHAM, a witness for the accused, was then introduced, and being duly sworn by the judge advocate, testified as follows:

By the accused:

Q. State your name, place of residence, and occupation.

A. C. L. Vallandigham; I reside in Dayton, Ohio, and am now practicing law.

Q. Were you a member of the association known as the Sons of Liberty?

A. I was.

Q. State what you were informed when you were initiated into the order, and the circumstances under which you were initiated?

A. It was in Windsor, Canada West, opposite the city of Detroit, in the month of February, 1864, and the first connection I had with any secret political organization. About the middle of the month, I think, Mr. Green, who has been a witness here, and Dr. Barnett, whose name has also been mentioned, came to Windsor; I know Mr. Green by reputation; I do not know that I had heard of Dr. Barnett, but after a little explanation I knew who he was; after discussing some political questions, they detailed their business, saying that they were on their way to New York to attend the meeting of the supreme council of what was, as I understood, the order of American Knights; that some material changes were to be made in it, or something to be done in connection with it; they said that it numbered many persons, and they desired that I would become the chief officer of it; my answer was that I had understood there was some such organization, perhaps known by that name, in existence a year or more that I had never heard of it previous to the fall of 1862; that I had always declined having any connection with it, because I apprehended that it might have some connection with the southern government, or place members of it under some sort of obligation with reference to that government that was inconsistent with the oath of allegiance of a citizen of the United States, and that I would belong to none directly or indirectly looking to any sort of connection with those who were in arms against the federal authorities; I went on then to express my convictions as to secret political organizations; that circumstances had altered cases, and whereas I had always hitherto opposed them as a member of the democratic party, but that I believed

the time had come when they were useful and necessary, provided they were kept legitimate and lawful; the assurance was given by those gentlemen that there was nothing of the kind. I had apprehended, at all events, there was to be a change made or a new arrangement in the organization, and that all objections of that kind, if any existed, would be obviated; and further, that all they proposed was a simple and informal communication of the ritual, principles, and obligations. With reference to the purposes of which I have spoken, they assured me that it was only a political organization having reference to affairs in the States that had adhered to the Union, and recognized the federal government and its authorities. I accordingly consented, and informally, by reading in part and showing in part, without any attempt at ceremony, the ritual, principles, and obligations were made known to me; no part of any of them was read in full to me, but the books and pamphlets were left with me for examination; the principal objects, with reference to which I made inquiry, as stated there, were declared to be of a political character and for the defence of members of the democratic party. Those were the circumstances and that was the extent to which I was a member of the proposed organization.

Q. How soon after your initiation was the order of American Knights changed?

A. It was about the 16th or 18th of February that these gentlemen came to Canada. The meeting I understood was held on the 22d; how long it sat, I do not know. I was informed afterwards that it had held its session; that the name had been changed because the idea of knighthood was something objectionable, and that the ritual and the form of expression at least of the principles and some of the obligations were changed. I was further informed that I had been chosen chief officer of the organization; this was probably about the 1st of March, 1864, some eight or ten days after these gentlemen whom I have mentioned were at Windsor. At that time came Mr. H. H. Dodd, of Indianapolis, and Dr. Massey, who I understood had been delegates to the meeting in New York; they informed me of what had been done; that I had been chosen chief officer; they desired to know if I would accept, and also to take the oath of the office; I learned from them at length what had been done, the change in the name and modifications of the ritual and obligations, and was informed that a constitution had been agreed upon, or had been ordered to be drawn up; my recollection is that it was not then reduced to writing; at all events, they did not have it, and I never saw it until yesterday at your house, Judge Bartley; in the printed volume of the report of trials at Indianapolis, I first learned what were the duties of the chief officer; it was written out subsequently and printed, and which I never saw until yesterday.

Q. Is that probably a correct copy?

A. It purports to be, but is a document I never saw in my life, and have no other knowledge of it, save seeing it in that book. There was no form of oath prescribed in writing. It was suggested to me what should it be; I answered that it should be an oath to support the Constitution of the United States, and faithfully discharge the duties of chief officer of the organization. In that form the oath was administered by Dr. Massey; whether he had authority I do not know; he so administered it, at all events. The papers were then produced and gone over; large changes were made in the ritual; in the first place a large amount of it was stricken out; I desired to strike it all out—it was of no value; but merely retain a promise or obligation, and the recognition of certain principles; but others thought it was better for some portion, at least, for the form and ceremonials in secret societies, and borrowed all, I believe, from the same fountain head. There was one portion of the oath or obligation I noticed after Mr. Green and Mr. Barnett, (it was not called an oath in the order, but a promise,) which I noticed after these gentlemen had left, in the middle of February, and as soon as the other gentlemen came I called their attention to it, asking them whatever they might think in reference to it, whatever might be its actual pur-

port, it was at least ambiguous and must not be retained, and would not consent to it because it looked at least like an obligation calling upon men to give aid and comfort to the southern government; whether I was right in the interpretation I do not know; accordingly, that portion of the oath from the order of the American Knights was stricken out, and omitted in the revised obligation; the rest was merely form and ceremony; a great deal was stricken out which was mere words, and which I regarded as beneath the dignity of men; but some portion of the same sort, however, was retained; there was but one change or addition made to the principles of the order; what are numbered the thirteen articles, I believe, in substance existed in the old organization, to which I never further belonged than what I have detailed to this court. They were revised by Dr. Massey at my rooms at Windsor; the particular form and phraseology I do not recollect; but the addition I made, and which will be found in the correct copies, was the Kentucky and Virginia resolutions, constituting now the lesson of the Inner Temple; I cut them out of an old volume of the Kentucky and Virginia resolutions of '98 and '99; I think it was the 2d Virginia and the 1st and 3d Kentucky, but of that I am not positive; but they were the Virginia resolutions, without any alteration except a local allusion to the time they were passed, and the State of Kentucky in 1798, which were omitted as not a declaration of principles; that was all the change that was made. These gentlemen returned to their own homes; one of them I met afterwards, the other I did not meet.

Q. How long did you continue the supreme commander?

A. The election was for one year. The circumstances with regard to it should be detailed in connection with the Chicago convention more properly.

Q. Trace your connection with the order from the time you were elected supreme commander down to the Chicago convention?

A. I never was present at any meeting or any Temple councils, lodge, or regular meeting of the organization from the beginning to this day. There was an informal meeting of the members of the organization held in Windsor on or about the 15th of April. Mr. McMasters was present there; Mr. Dodd and Mr. Judd also, and probably one or two other gentlemen. At that meeting the entire business transacted related to the Chicago convention. Action was taken there with reference to the nominating of the candidate. No one was agreed upon as a candidate of those who were in favor of settling this controversy by negotiation, but preparations were made to bring a candidate out before the public, and through the papers, in advance of the convention. It was agreed that I should write a letter, addressed to the democracy of the United States, defining what I believed to be the duty of the democratic party in the approaching presidential election.

(The testimony was objected to as having no relevancy to the case in hand.)

There was nothing transacted in that meeting except what related to political affairs; it was the only meeting of the organization at which I was ever present, except an informal meeting of members in Chicago, during the convention, where I was elected to preside. The question of platform and candidate for the convention was discussed. The other meeting was held in the month of April.

Q. State the objects of this order, as you learned them and understood them as the supreme commander?

A. The objects of the order, were, first, political—the advancement and success of the democratic party, especially with reference to the presidential election; the second, and to that extent, an offset to the organization known as the Loyal Union League. Another object was the protection of democrats against violence by mobs, the destroying of democratic newspapers, and assaults on members of the democratic party. The other and ultimate one, dependent entirely upon whether the contingency ever arose, was to protect the ballot-box, in case of the attempt to suppress State elections or the election of the President of the United

States by force of arms. Beyond that I never knew or heard of any other purposes of the order as an organization, nor had I any connection with it as such. If there was any others, it was the individuals themselves only that were concerned, in disobedience to the known and understood purposes of the order.

Q. Had this order any such purposes as affording aid and assistance to the confederate army, or the rebellion of the southern States?

A. Under no circumstances whatever. On the contrary, I had refused to join a preceding order because of a suspicion in my mind that by some possibility something of that kind might be intended.

Q. Was the release of the confederate prisoners of war one of the objects contemplated by this order?

A. It never was. I never heard that subject alluded to at any meeting (an informal one being the only one I was present at) of the organization, nor by any member of that organization to me.

Q. When did you first learn of the existence of any such purposes as that from persons belonging to the order?

A. Never until I read of the arrest of Harrison, in Indianapolis, and saw, perhaps a month or so later, the charges and specifications of the judge advocate. That was the first knowledge that I ever had of any such purposes being entertained by any member, and never by the order as an organization.

Q. At what time was that arrest made?

A. I think it was in the month of August, 1864, and prior to the Chicago convention, which convention assembled on the 29th of August. I returned home on the 15th of June, 1864.

Q. Had you any knowledge, Mr. Vallandigham, or was information communicated to this order in reference to the sending of money from Canada to Mr. Dodd, or in reference to the purchase of arms for the order at Indianapolis?

A. No, sir; I never heard a word in reference to the use of money obtained from Canada or any other quarter, in that connection, until I saw the development at this trial. I never had either knowledge, intimation, or suspicion that Mr. Dodd, Mr. Bowles, or Mr. Milligan, or any of those who were brought up on that trial, were concerned with that with which they were charged. Neither directly or indirectly was it ever brought to my knowledge, nor had I any suspicion of it.

Q. Had you any knowledge of any other member of the order being concerned in any such plot?

A. I had not; on the contrary, on the day I returned, a matter which is in testimony before this commission, for fear that some one might be bad enough or rash enough to attempt anything of the kind, in the speech which has also been referred to, made on that occasion, I distinctly denounced every movement of the kind, having any purpose to resist the authorities of the United States, using this language: "I admonish all persons concerned that the offence is treasonable, and the penalty death." That speech was made on Wednesday, the 15th of June. That is probably the reason that no intimation was ever given to me of any of these purposes, and on the day which is said to have been fixed for this uprising, the 16th of August, I left Dayton, and went to Syracuse, New York, and on the 18th addressed a democratic State convention held in that place, returning home on the 19th or 20th. When I first heard of the arrest in Indianapolis for bringing in arms, I was not aware that there was any other charge. I supposed it was merely some arms that individuals had been bringing. That subject had been spoken of by some members of the organization in August, and I had resolutely and determinedly opposed anything like the arming of the organization. I never heard of any money received by any member of the organization except—and this was merely reported to me—six thousand dollars, (\$6,000,) which was collected from members of the organization in the State of Illinois in the fall of 1863 and 1864. These were all the funds I

ever knew belonging to the organization, or given to any member of it, for any purpose, and the question was suggested whether arms were to be bought. My answer was, No; if anybody desires to arm let him arm himself if he thinks it necessary for his safety and protection, but not with money raised by contribution, and that though it might be abstractly lawful to arm, it would bear the appearance of an unlawful purpose, and it ought not to be done; that there was no occasion for having arms; that the contingency in which alone it would be proper to resort to the use of arms was remote, the election being in November, and contingent upon the attempt to suppress that election, and prevent its being held; that was the only contingency in which I contemplated the use of arms at all. Whether right or wrong, must be determined hereafter.

Q. Was that the only contingency contemplated by the order?

A. It was merely the expression of my own opinion, as the chief officer of the order.

Q. When did you make this statement?

A. The times and occasions were several during the conversation in Windsor; on the 15th of April I made the declaration; at other times, when I returned home, and on every occasion when the subject was alluded to; that was the policy I recommended and enjoined.

Q. Did the order have in view, or take any action in reference to, the release of confederate prisoners in Chicago?

A. I never did; and I never heard until the development of these trials that any attempt was being made in Chicago at the time of the convention; when I did hear it, I was as much surprised as any one, though I had heard that a large body of troops had been sent to Chicago during that convention, and that there were some apprehensions that it was intended to prevent the convention being held. I thought it was from prudential reasons, on account of the vast concourse of people there, and had no idea that that was to be made the occasion of an attempt to release the confederate prisoners.

Q. Did this order have in view, as one of its purposes, to render aid and afford protection to escaped rebel prisoners of war?

A. I never heard of it in that connection, nor did I ever hear any member of the organization make any statement of that kind; the purpose of the order was to disconnect itself utterly from everything of that kind.

Q. Was it any purpose, or object, of the order to furnish arms, soldiers, or supplies to the southern confederacy?

A. It was not.

Q. State if this order had for one of its objects the establishment of a north-western confederacy?

A. I never heard the subject of a northwestern confederacy mentioned in connection with this organization until yesterday in conversation with Judge Bartley. My own opinions as to a northwestern confederacy were expressed in Congress. If they are considered pertinent to this matter they are easily accessible.

Q. Was it one of the objects or purposes of this order to instigate or get up an insurrection of the people of the northwestern States?

A. It was no part of its purposes; the only contingency contemplated, as far as my knowledge extends, was in the event of an attempt to suppress the State presidential election—absolute suppression by force of arms. And the reason was, that under our system of government we had provided for a peaceable mode of revolution through the ballot-box, and I distinctly said, on various occasions, in conversation and instructions to officers of this order—

(Testimony objected to by the judge advocate, as not responsive to any proof introduced on the part of the government.)

Judge Bartley submitted that it was competent testimony, as it had been

shown that the action of the supreme commander was controlling with this order, and his instructions the order was bound to obey.

The judge advocate then withdrew his objections.)

Q. With respect to the instructions and directions which you gave to those members of the order, I ask for those which you gave as supreme commander of the order, in or out of the order.

A. I never issued any order in writing at all, or any formal order to be promulgated, but instructions orally to officers of the order, and on the occasion when a number of officers of the order were officially present in April, that very question was considered, and I then defined the position that the true rule was (what I was suggesting when interrupted) that inasmuch as we had a peaceable mode of revolution, it was better to acquiesce in arbitrary arrests, the contemplated suppression of the liberty of the press, and all else that has been complained of by the democratic party, rather than resist forcibly until it came to the destruction of that mode of peaceable revolution, and then I believed that the contingency would have arrived for resorting to arms; that would be a matter of defence of the exercise of the right of suffrage.

Q. Did this order contemplate, as one of its purposes, resistance to the authority of the federal government?

A. It did not except in that contingency to which I have referred, the contingency of defending the right of elective franchise.

Q. Had you any knowledge that any lodge or portion of this order contemplated any attempt to release the confederate prisoners at Camp Douglas?

A. Most distinctly I had not, neither at Camp Douglas nor at any other camp, nor at any other place.

Q. Prior to the presidential election of last fall, did you spend some time in Illinois? If so, please to state how long, and what knowledge you had in regard to this order.

A. I left Dayton about the 20th of October, on an invitation to address the members of the democratic party, whose candidate was General McClellan.

On the 21st or 22d I spoke in Monmouth, Illinois, in Peoria on the 24th of October, and in several other places. I spent two weeks in Illinois, of which nearly ten days was in Chicago, coming and going from that city, where I was a guest at the Sherman House, to the different points where I was to speak, sometimes spending two or three days in the city. I was from Friday evening till Thursday night, November 3d, making Saturday, Sunday, Monday, and Tuesday, going down to Joliet to attend a meeting, and remained there until Thursday, when I returned to Chicago.

Q. During the time you spent in Chicago, did you have any conference with any members of this order with reference to the release of prisoners at Camp Douglas, or in reference to any attempt to sack and burn the city of Chicago?

A. I did not. I never was present at any meeting of the organization in Chicago except the informal meeting referred to in the Indianapolis trials where I was chosen president, that being a meeting to arrange for the nomination of a candidate for the presidency. I never saw any of the gentlemen connected with this organization during the time I was in Chicago. I never heard of them as being members of this organization, and I never knew, until this arrest, that Judge Morris was a member of this organization. I never saw Judge Morris but once, and that was during the convention; and I never heard of these men and these officers in Chicago, except that some other person was chief officer. I had no conversation with them or anybody else except on the presidential election. I left on the 3d of November, this arrest being made on the Sunday following.

Q. Was the position you occupied in the order, and your situation at Chicago, such that, if this order, as a voluntary association of individuals, had a plot or

scheme to release the prisoners at Camp Douglas, that you would have known it?

A. I had a right to know it, and ought to have known it, and had I known it I would have used the necessary means to break it up. It might have been concealed from me. I ought to have known it; but I did not know nor suspect anything of the kind.

Q. When at Peoria, did you speak upon the subject of the order?

A. I did.

Q. Were you the supreme commander of the order?

A. I was; I had spoken in Ohio about ten different times, and always made this a subject, in consequence of the Indianapolis trial. After the arrests I made substantially the same statement as in the street at Hamilton, and also the same I said in Illinois; and I laid down the line of conduct of the men that belonged to that organization; whether they obeyed it or not is a matter I know nothing about.

Q. The speech you made in Hamilton, Ohio, I understand you, was on the 15th of June.

A. Yes, sir. This address before the Peoria meeting was on the 24th of October.

Q. Is the explanation of the principles and purposes of this order the explanation that you made public at Peoria on the 24th of October?

A. It is, and for every purpose; I was then acting as supreme commander, such as I ever did.

Q. Did you deliver that address on the subject of the purposes and objects of the order for the information of the members themselves?

A. I did; because it had already been stated, according to the testimony—whether true or false it is not for me to say—represented themselves as members of the order who had been engaged in the very acts that are here denounced and condemned, and that was the reason why I took especial pains to declare what I understood to be the purposes of the organization, and the only purposes, and the limit to which they should go and when they should stop.

Q. In making that declaration of the objects and purposes of the order, what did you say, as supreme commander, for the information of the members of the order, in reference to the release of prisoners or any offered resistance to the authorities of the federal government?

(Question objected to as calling for evidence not given in an official capacity.)

The witness continued:

A. It was not offered as an official document, but for the information and instruction, informally, of the members of the organization.

Q. Did you intend that they should receive this as instructions of the supreme commander, and that they should follow them?

(Question objected to and withdrawn.)

Q. Were these given by you as directions which the members here were bound to obey?

(Objected to as leading and illegitimate.)

Q. With what view, then, as to the members of the order, were these instructions given?

(Objected to and withdrawn.)

Q. In your public comments upon the purposes and objects of this order and the association, what did you say were the purposes and objects of this order, as to the releasing of rebel prisoners or resisting the authority of the government?

(Question objected to by the judge advocate.)

T. W. Bartley, esq., on the part of the accused, here offered in evidence the speech of Vallandigham, delivered at Hamilton, Ohio.

The judge advocate objecting to its admission, the court was cleared for deliberation. On being reopened, the judge advocate announced that the objection was sustained.)

Q. I ask your attention to the address which has been introduced as evidence in this case, dated December 8, 1863, said to be written by P. C. Wright, signed P. Caius Urbanus, S. C.; have you ever seen that address, or do you know anything about it?

A. I never saw it until a few moments ago, and never heard of it until this investigation. Mr. Wright is said to be the author of it, and he was named as supreme commander of the Sons of Liberty, but he never held such a capacity in that organization. The organization took that name and form in February or March, 1864, and I have understood that he was the supreme commander of the order of American Knights.

Q. Was that document, or the doctrine declared in that document, ever made the test or ground pledge made on a member joining the Sons of Liberty?

A. No, sir, I never heard of it in that connection. Mr. Wright never had the position of supreme commander, or any other official position, in the Sons of Liberty. No such document as that was ever authorized to my knowledge.

Q. Have you no knowledge of the authority by which Wright published that address?

A. None but hearsay.

Q. Was it in meeting of the order that you acquired the information?

A. No, sir; the explanation is on the face of it partially in these peculiar figures; it was what he was accustomed to call an ancient edict four thousand years old, and that these were ancient edicts that he was publishing over now and then as orders, which he as supreme commander had authority to do. I understood there were several such not published. It was an idiosyncrasy of his that they were found somewhere, though I do not know where.

Q. Did Wright claim that there was great antiquity in this institution?

A. I am only repeating what I heard spoken of afterwards by men who belonged to the order, but I do not remember any reference to this particular order.

Q. Have you any knowledge of any such order in the northern States as that known by the name of the Knights of the Golden Circle?

A. I never heard of such an organization having existence in Ohio or the northern States. I first heard of it in rumor fourteen or fifteen years ago, but I never knew of any lodge of the circle or council in connection with any such organization, though I have seen many names printed as members of it in the newspapers.

Q. Have you a knowledge of the purposes or objects of the Knights of the Golden Circle?

A. No, sir; except what was connected with Mexico fourteen or fifteen years ago.

Q. It has been said this organization was gotten up between you and Jefferson Davis; is this true?

A. That was the testimony of Mary Ann Pitman, a lady of whom I have no knowledge, and alluded to in the judge advocate general's report.

Q. Have you any knowledge of the origin of this institution except that you have stated?

A. None whatever. I heard it existed previous to the appearance of these gentlemen in Windsor in February, but I had no knowledge of the subject before that.

Q. Something has been said in the rules of this organization about a military department; what knowledge have you upon this subject?

A. Upon that I have none. So far as the national organization was concerned, there never was any. As a witness has stated as hearsay, and refers to what is called my staff, I never had any; never contemplated it. I never

saw Mr. Piper nor Mr. Stidger; never had any communication, direct or indirect, with them; and I never saw Mr. Doolittle. There never was any movement, to my knowledge, made with reference to the military organization. I have heard that there were military organizations in some States, but I never knew of any in Ohio.

Q. Stidger thought that Piper was a member of such a staff; is that true?

A. If Piper ever made such a statement, he stated that which is positively and unequivocally false.

Q. Stidger speaks of being at Hamilton; did you see him?

A. I did not; nor did I ever see him.

Q. Have you any knowledge of the matter or plan to assassinate Coffin then?

A. I never heard of Coffin, nor ever heard of it except when I read it in Stidger's testimony.

Q. Stidger states that the uprising which was to take place about the 3d, or 15th, or 17th of August, was to be agreed upon as you might decide the matter; is that true?

(Question objected to, and the question withdrawn.)

Q. Was there any matter for you to decide in reference to the time when the uprising was to take place?

A. Most emphatically there never was, and, as I have before testified, I had no knowledge, intimation, or suspicion of the subject, and was absent from Ohio. in the State of New York, at the time alleged, and never heard of it until I saw it in the testimony; and if it had depended upon me, it would have been very speedily determined.

Q. How would it have been determined, had it been left to you?

A. To break it up, had it been necessary to inform the officers of the federal government of the fact. That warning was given to a member of the order, whose name I do not now recollect. The idea was suggested to force an insurrection, and compel me into it. I told him that they did not know the man they were dealing with. Such a thing would have been suppressed instantly.

Q. Do you say Dodd was at the meeting at Hamilton?

A. Yes, sir; also Bowles and Milligan.

Q. Did you have any communication with them?

A. I did not.

Q. Had you any conference with them, at any time, in reference to any uprising?

A. No, sir; I had just returned home, and was occupied entirely with circumstances that naturally grew out of the fact of my return. I understood these gentlemen returned the next day.

Q. Instead of engaging in this uprising that has been spoken of by Stidger, what did you engage in when you returned to Ohio?

(The question was objected to by the judge advocate as irrelevant. The court was cleared for deliberation. On being reopened, the judge advocate announced that the objection was sustained.)

Q. Did you send any communication to Piper?

A. No, sir; I never saw him in my life; was never acquainted with Piper, and never heard of him till I saw his name in Stidger's testimony. I do not know either Bullett or Piper.

Q. You have been charged with intimacy with General McClellan; do you know him?

A. I never saw General McClellan in my life. I voted for him, if that is material. I never saw Mr. Grenfel, with whom I have been charged with being intimate, in my life until yesterday, when I saw him in the court.

Cross-examination by the JUDGE ADVOCATE:

Q. Was not your initiation into the order by Mr. Barrett and Mr. Green?

A. Yes, sir.

Q. At that time, had they the work of the order with them ?

A. They had two little pamphlets which were represented as such, part of which was read, and they were left with me for examination.

Q. Did you examine them ?

A. I did afterwards.

Q. Did they read that ritual and obligation from the pamphlet ?

A. A portion of them.

Q. Did you at that time read the oath or obligation ?

A. I did not, and did not notice that particular passage which I referred to, and which I struck out, though I do not admit that it is susceptible of that interpretation and was objectionable on that account.

Q. Did you ever meet a brother of James A. Barrett ?

A. Two or three times ; I first met him in Canada, some time in the month of May, 1864.

Q. Where did your interview with him take place ?

A. At Windsor.

Q. Upon what subject ?

A. A variety of political subjects. I knew that he was a member of the organization. I was introduced to him as such.

Q. Did he impart to you at the time, or at any time, the purpose of the order as he understood it ?

A. He did not.

Q. Did he at any time inform you that he had been furnished with money by the confederacy—money for any purpose ?

A. He did not ; he informed me of the six thousand dollars to which I have referred.

Q. While you were in Canada, had you any consultation with Jacob Thompson, the confederate agent ?

A. I did.

Q. Had you any consultation with Jacob Thompson with reference to the objects of this order ?

A. He inquired of me in reference to the existence of the order, and I answered that I could not give him any information upon the subject, as he was not a member of the order. He was present only two or three days before I left. The subject was on the general reconstruction of the Union of these States, and was the same matter that was afterwards discussed by the order of the President between Mr. Greeley and the agent of the confederate government.

(The testimony was objected to. The court was cleared for deliberation. On being reopened, the judge advocate announced that the objection was sustained.)

The witness continued :

I desire to explain that it has been stated in evidence in this case that Mr. Barrett was my chief of staff. I never had any such officer to act in any such capacity.

Q. Did he not act for you in some capacity in forwarding your letters, or in some other way ?

A. No, sir ; my letters were forwarded to me from Detroit. Mr. Barrett always represented himself as opposed to these movements of the order, and if he had any knowledge of any trouble in connection with Camp Douglas he never communicated it to me. He was in Chicago on the week preceding the election, and not a word was ever said by him, to my knowledge, as to the release of the prisoners at Camp Douglas. The question certainly was asked by Mr. Barrett if his six thousand dollars should be invested in arms, and I distinctly and emphatically said no ; and what became of the money I never learned.

Q. You say you were approached at one time by some persons in reference to this scheme of revolution?

A. I had heard that it was said by those who were accused of being concerned in this insurrection that if the scheme were inaugurated they would probably drag me into it.

Q. Were you ever informed by Jacob Thompson that H. H. Dodd had \$75,000 to be used for the purchase of arms for the release of rebel prisoners?

A. I never had any communication with Thompson in reference to the matter.

Q. Did you know of any money being furnished by Barrett or Thompson for any purpose?

A. No, sir.

Q. When was the first time you had any consultation with Barrett, as a member of the order of the Sons of Liberty?

A. At the time he and Dr. Massey came to Windsor, Canada West, about the latter part of February, 1864. It was solely in reference to the ritual obligations and declaration of principles. The next and only other time I saw Barrett until I returned to Hamilton was in reference to a letter I was to address the democrats in relation to their duty at the forthcoming presidential election, and which stated that the convention to be held in Hamilton was to nominate delegates to the Chicago convention, in which letter I asked him to be a speaker.

Q. I desire to call your attention to a letter purporting to be written by you, containing this postscript: "Yours received; names all right."

A. Those were the names of the speakers at the democratic convention, in the letter calling upon me for the expression of my opinion as to the duty of democrats.

Q. You wrote some letters to H. H. Dodd, did you not?

A. Yes, sir, I wrote a few letters to him.

Q. Is this a correct copy of a portion of one you wrote on the 12th May, 1864, dated from Windsor, Canada West: "Send for your friend here to return at once, and work at home. Nothing to be done here. So also says our mutual friend. Be ready for Dayton meeting. Grant has been worsted by Lee, and no mistake. It is Grant who has fallen back six or eight miles, and not L., who has advanced from west to east. L. is not and never has been facing northward, but eastward."

"C. L. V.

"Sherman too has been brought to a dead stand, first having been driven back?"

A. I presume it is correct. I believed then and still believe what is there said as to the military position of Grant and Lee is correct. I think General Butler, in his Lowell speech, has proven that my opinion was correct.

Q. Who is the "friend" whom Dodd was to bring back from Canada?

A. It was a man I understood he had sent from Indianapolis to see me to detail to me something which I suspected was not all right, and I wrote to Dodd to take him away at once.

Q. What purpose did you suspect he had there?

A. I suspected he was engaged in the business of getting arms, contrary to the express instructions and directions I had given on the subject.

Q. What made you suspect that this was the case?

A. I had heard from other parties intimations of the kind.

Q. If you suspected that he was engaged in such illegal work there, why did you say "work at home?"

A. Not to work in that sort of business, and not to go to Canada with any such occupation.

Q. Why did you not say that he was engaged in an illegitimate occupation?

A. That is the fact of the matter ; that individual came afterwards to my house, and I declined to see him.

Q. Why ?

A. Because I did not consider him a character that I wanted to have anything to do with. R. C. Bocking, as I understood.

Q. Was he not a man that was engaged in the manufacture of Greek fire or shells for the order of the Sons of Liberty ?

A. No, sir ; I never heard anything of the kind.

Q. Do you remember hearing that this order of the Sons of Liberty paid him money for perfecting his invention of hand grenade or Greek fire for the purpose of destroying government property, or the perfecting of any kind of deadly missiles ?

A. No, sir ; I never did. I understood he was there on some business of that sort, but I refused to see him, and never did see him or have any communication with him, direct or indirect. I supposed the whole thing had been broken up when I saw no allusion was made to it. I have heard in reference to that matter of Greek fire, and it was Dodd's statement while he was in Canada, that it would be a useful invention for the purpose of protecting democratic printing offices and democratic houses from mobs ; that he did say, and he said nothing further in relation to it.

Q. What was the invention ?

A. This Greek fire has been alluded to in the investigation.

Q. How would it be a protection to printing offices ?

A. By the same means as grenades, I suppose.

Q. Like the hand grenades ?

A. No, sir ; Dodd so held out to me, but I was not satisfied. I refused to see the man, and wrote that letter to have him removed at once.

Q. How was the Greek fire to be used for protective or defensive purposes ?

A. I am repeating Dodd's statement, but I did not get any further explanation than that it would be used in that way ; that it was to be thrown upon a meeting, party, or organization that would make any assault upon the democratic houses or printing offices. Not being satisfied, I did not want to have anything to do with it ; I therefore wanted Dodd to remove that individual as soon as possible, and I was very much surprised that the man was sent. I heard he had gone immediately after.

Q. What position did Dodd occupy in the order of the Sons of Liberty ?

A. I understood he was grand commander of the State of Indiana.

Q. Did you learn what number there was from the State of Indiana ?

A. I think he represented there were some twenty or twenty-five thousand.

Q. How many from the State of Illinois ?

A. They were represented, he said, to be 78,000.

Q. How many in the State of Missouri ?

A. That I do not remember.

Q. Do you remember the number in Kentucky ?

A. I understood there were very few.

Q. In Ohio ?

A. Not over 50,000 ; when I came to Dayton there were not fifty, though Judge Holt says that was one of the places where they were most numerous ; the number in every place was greatly exaggerated.

Q. By whom were those forces to be commanded ?

A. Dr. Massey was the original commander.

Q. Who subsequently ?

A. Jackson, I believe.

Q. Was there a Temple in this city ?

A. That I do [not] know.

Q. Do you know the names of any persons in this city who were members of the order ?

(Objected to by the accused as irrelevant, and seeking a cross-examination in matters not introduced in the examination in chief.)

The witness continued :

A. I desire to explain that I did not know the name of a single officer of the organization in Cincinnati, and was never present at any of their meetings. There might have been some twenty thousand in June, and I think that they never exceeded from fifteen to twenty thousand. There was a military organization in Ohio ; I was opposed to it.

(A ritual of the Sons of Liberty was handed the witness.)

Q. Do you recognize that ?

A. This is the private copy of the declaration of the principles and obligations of the Sons of Liberty.

Q. Do I understand you to say that the purpose and object of the order, so far as you understood, was the protection of the democratic party, and to act as an offset to the Loyal League, and to be ready in case these rights were taken from them at the polls ?

A. Yes, sir ; those were the chief objects of the organization. I never knew of any other intentions or purposes of the order.

Q. You say, do you, that you have heard of members having other objects ?

A. I have seen in these developments that there were men connected with the order who proposed things that were totally false to the objects and intentions of the order. Some of them were evidently detectives in the service of the government, and some were professedly members of the order.

Q. Did you assent to and indorse the principles enunciated in this work ?

A. I would not have expressed them in the language they have there, but they are the doctrines I hold now, and have ever held since I first studied politics at all.

Q. Were the members to act in concert in this self-protection ?

A. That would depend upon the exigency of the occasion, and the mob.

Q. Was there any arrangement or organization in the order by which they were to protect each other ?

A. That I do not know anything about ; it was left to the subordinate bodies and Temples to make their own arrangements. I know nothing to the contrary, nor do I know the fact. Each State and each council managed its own business. There never was any such resolution issued by myself as supreme commander, or by any supreme council afterwards, and these were always subject to the approval of the higher authorities ; but when acting in accordance with the authority of the ritual, they were to carry it out in their own way. They were to determine when the exigency arose, and when the time came.

Q. Then the manner by which they were to resist aggression or mob violence, they were not to carry that into execution until they had your approval ?

A. It is not necessary to have it ; but there never was a meeting at which anything of the kind was introduced or discussed. The principles of the organization and the purposes I regard as very different ; but the political principles that it held to are laid down in the ritual, and in what I myself introduced from the Kentucky and Virginia resolutions.

Q. Then the carrying out of those principles was not necessary to be submitted to you for approval, was it ?

A. It was not necessary ; but if it came to the knowledge of the authorities, they had a right to interfere, but within the scope of the organization ; it was very largely to individuals, and by subordinates ; but the largest amount of the authority was in each separate State council of Indiana.

Q. Do you know of any military organization which existed in the State of Indiana ?

A. I understood there was a military organization, from a number of gentlemen from that State who were members.

Q. Was any report made to you about the strength, from the grand commander of the State ?

A. No, sir ; there were no arms in Indiana that I knew of when I had a conversation with Mr. Dodd ; I, however, understood that they were making a military organization.

Q. Did you ever officially disapprove of that act of the order ?

A. No, sir ; because it was expressly said it was for protection against armed loyal Union Leaguers. I never approved or disapproved of the military organization.

Q. Then you simply did not coincide in the opinions with regard to procuring arms ?

A. I dissented from that distinctly ; but nothing further than in the meeting referred to, for I never supposed there was any necessity for it, and I believe no arms were found in Indiana except those that were seized at Indianapolis.

Q. Then the manner in which they were to protect themselves against mobs, and to protect themselves as citizens, was not prescribed by any rules from the supreme commander ?

A. No, sir ; there were no rules on that subject ; that was left to the general arrangement of each particular body, I suppose ; and in reference to the maintenance of their rights, that was to be determined, if the emergency arose as a matter of course, by the highest authorities.

Q. When was it understood that the contingency was to happen, and the force of arms was to be resorted to ?

A. When it was manifest that the purpose was to suppress the holding of the election. I supposed that every democrat, whether a member of the order or not, would have acted upon his instinct so as to preserve his rights. I always depended upon the vast mass of the people more than upon any secret organization.

Q. When was the contingency to happen upon which the supreme commander was to issue the orders for the resort to arms ?

A. Upon the attempt to suppress or hold the election.

Q. Then what was the order to be proclaimed ?

A. That was to be considered.

Q. In what way were they to right their wrongs ?

A. By a resort to arms as a matter of course.

Q. If you were driven to the necessity of arms where would you find them ?

A. My own opinion was that we never should require them, and I so stated to the members of the organization at Chicago. I said we were to have no trouble with regard to the election. This was at the Chicago convention. It was inquired whether there should be any further meetings of the order. I thought as far as the political objects of the order were concerned it was past all question, that as no democratic newspapers were molested, there would be no occasion for further meetings.

Q. The purpose being to protect your individual rights, and organization of the democratic party, and to preserve all your rights at the election, please explain for what purpose those principles were made principles of the order.

The judge advocate here read from the 5th article of ritual of the order of the Sons of Liberty :

"Sovereignty rules in and with the people of the States respectively, which are parties to the Constitution of the United States. It cannot be alienated, neither can it be delegated. Some of its powers may be exercised by delegated

authority, while others cannot be so exercised, except at the sacrifice in part of the Constitution—of all that lends dignity to man's relation to government."

Q. Was that one of the principles of the order as you understood it?

A. I would not have so worded it, but that is substantially our declaration of principles, standing as a whole. There are thirteen of them; but why there were thirteen I do not know, unless from the thirteen original States. They are part of one whole, and they are just as proper as the platform of any republican or democratic meeting ever held.

The judge advocate then read:

"The government designated the United States of America has no sovereignty, because that is an attribute belonging to the people in their respective State organizations, and with which they have not endowed that government as their common agent."

Q. Is that correct?

A. That is sound doctrine. Those are my opinions, and they were those of the old democratic party of the Revolution; that there is no sovereignty in the government, but there is supremacy; that is the old constitutional democratic right of '99—that to the extent of its powers, it was supreme, any law or constitution of a State to the contrary notwithstanding. The federals believed that the people as a whole were the constituents of the federal government.

Q. Then in the event of the officers of the government exercising powers not delegated, are they to be regarded and dealt with as usurpers?

A. They could not be called anything else, and should be regarded and dealt with as usurpers. That is an abstract proposition which I recognize as an abstract truth, and which five years ago he would be regarded as a bold man who would call in question. The practical application of it is a very different thing. When they were to be usurpers, and who were to judge, and prescribe the dealing, were very different things. These were simply the general enunciation of principles that are common to all parties from the establishment of the government down, that whenever authorities went beyond their constituted rights they became usurpers, by taking in powers not belonging to them, and were to be dealt with, but when, how, and under what circumstances is another question. I have given the contingency under which I considered it right to resort to revolution.

Q. Does not that order state when they are to be considered usurpers, and how they are to be treated? Article 10 reads, "Whenever the officials to whom the people have intrusted the powers of the government shall refuse to administer it in strict accordance with its Constitution, and shall assume and exercise power or authority not delegated, it is the inherent right and imperative duty of the people to resist such officials, and if need be, upset them by force of arms."

A. That idea and doctrine are borrowed from the Declaration of Independence, and are regarded as sound American doctrine, and have been since this government was established. They are abstract doctrines, and I have never endeavored to carry them out, because the occasion has not arisen. It simply prescribes the general principle and nothing further. They are abstract principles, like those in moral or mental philosophy, or religion, or anything else.

Q. Who was to determine when the occasion existed?

A. It was a subject to be determined by the highest authority of the organization, the supreme council.

Q. Then whenever they determined that the government was exercising power not delegated, had the contingency then happened upon which they were to take up arms?

A. I proclaim and avow that when it comes to that contingency, it is the duty of the people, for the reason that we have a peaceable mode of making a revolution, that it is better to submit to the loss of every right, if you will only

affirm that peaceable mode of revolutionizing the government—I mean the use of arms—if that right was questioned. And no man till within the last three years has been called upon to account for any such statement of any abstract principle.

Q. Who then was to determine when the order would take up arms to resist the federal authorities?

A. The contingency would have arrived with the destruction of the right of election; then as an American citizen, I say, the people have a right, and it is their duty to resist.

Q. Does this in any way confine it to interference with elections? Does not this paragraph expressly state, whenever the government was exercising undelegated powers?

A. It is a general declaration of principle, precisely like the creed, "I believe in the Father and the Son," which defines no general doctrine, but is an abstract creed of belief.

Q. Does this paragraph confine it to elections?

A. It does not.

Q. If it did not confine it to elections whenever that supreme council determined that the contingency had happened, was it generally understood that this body was to take up arms?

A. That was the natural conclusion, that it never was a subject of even speculation in the order.

Q. Did you ever hear any member of this order who did not say that the government was exercising undelegated powers?

A. That was the opinion of the democratic party universally as well as the organization. It was also, if I mistake not, the opinion of Frémont, Winter Davis, Benjamin Wade, and a great many republicans too. I have no doubt that, as an abstract proposition, they should be expelled by force of arms, and I think every member of the order, five years ago, would have given the same answer.

Q. Is it your doctrine that when the government is exercising powers not delegated, it is the right of the people to resist such officials and expel them by force of arms?

A. It is my opinion, and it was the opinion of the President of the United States in 1848, for he has laid it down very much more emphatically, and it was suggested that we accept his definition.

Q. Have you ever heard any one save members of this order say that it was a legitimate mode of revolutionizing and changing the powers that be of this government, except by ballot?

A. I have many a time. I have heard it all my life, from the time I can recollect, anything, as an abstract principle recognized, I supposed, by all American citizens; but I never have attempted, directly or indirectly, to carry it into practice.

Q. You say, do you, that the members of the order held the same doctrine?

A. Yes, sir, I suppose they did.

Q. Were those members of the supreme council elected by the subordinate lodges?

A. Yes, sir.

Q. Did not those who were chosen reflect the doctrines of those who chose them?

A. I presume they did.

Q. State, then, how, in the event of the people by whom they were chosen deciding that the government was exercising powers not delegated, and were usurpers and should be expelled by the supreme council, it has to be decided that the contingency had arrived.

A. It would be decided just as the United States democratic convention that

was called together by Governor Wickliffe, of Kentucky, would have decided had it come together—to deliberate and act in the event of those in authority having suppressed the election, and decided by proclamation to remain in power.

Q. The judge advocate here quoted from the 10th article of the ritual of the O. S. L.: "Whenever the officials to whom the people have intrusted the power of the government shall refuse to administer it in strict accordance with its Constitution, and shall assume and exercise power or authority not delegated, it is the inherent right and imperative duty of the people to resist such officials, and, if need be, expel them by force of arms. Such resistance is not revolution, but is solely the assertion of right." Is that a doctrine to which you subscribe?

A. That is the old American doctrine of Jefferson: "Resistance to tyrants is obedience to God." It is the old doctrine of every American citizen, and is the doctrine of the democratic party from the first.

Q. How were they to resist the authorities?

A. That was a question never discussed.

Q. How was it understood in the order?

A. It was not understood, because the contingency had never approached near enough for discussion.

Q. Do you claim that the government was being exercised in accordance with the Constitution?

A. My speeches, of late, are all the other way; but I never carried out my opinions into positive action.

Q. Do you believe in the general principle, that when the authorities exercise powers not delegated, they are to be removed by force of arms?

A. As an abstract right I do; but never believed that the contingency had arrived. But these are the principles, I presume, entertained by every member of the order, as well as by every democrat, and every American citizen. But I understand that every American citizen has the right to entertain any opinions, provided he does not carry them into action.

Q. Are you at present the supreme commander of the order of the Sons of Liberty?

A. I do not so regard myself, for I consider the organization at an end, and have done so, substantially, since the Chicago convention.

Q. Has there been any successor to the office appointed?

¶ A. None, that I have heard of.

By a member of the court, and objected to by another member:

Q. Did you communicate to the federal authorities the fact that there might be trouble at Camp Douglas at the time of the convention?

A. I never heard of any thing of the kind until months afterwards; not until the arrests were made.

The judge advocate read a telegram to the commission from Judge Advocate General Holt, deciding that rebel prisoners of war cannot be transported from their places of confinement to be used as witnesses in the present case.

The commission adjourned to meet on Thursday, March 30, at 11 o'clock a. m.

COURT-ROOM, CINCINNATI, OHIO,

March 30, 1865—11 o'clock a. m.

The commission met pursuant to adjournment. All the members present except Colonel B. Spooner; also present the judge advocate and assistant counsel, the accused and their counsel.

The proceedings were read and approved.

JAMES A. McMASTERS, a witness for accused, was then introduced, and being duly sworn by the judge advocate, testified as follows:

Question by the accused :

Q. State your name, residence, and occupation.

A. James A. McMasters ; I am editor and proprietor of the New York Freeman's Journal, and reside in that city.

Q. Were you a member of the order commonly known as the order of Sons of Liberty ?

A. I was a member of an association, or an attempt at an association of the Sons of Liberty, never properly the order of Sons of Liberty.

Q. State what you know of the origin and nature of that association.

A. It originated in the month of February, on the anniversary of Washington's birthday, and the days immediately succeeding, in the deliberations of a number of gentlemen who sought to merge into this association another known as the order of American Knights, and also, if possible, several other secret societies existing locally through different northern States. This object arose in the minds of some of us, from ascertaining that there were such societies that were at once illegal and immoral, that proposed such things as assassination and resistance to the legally constituted authorities of the country ; and the idea and project as formally proposed by those who had prepared that meeting was to engage a number of leading democrats in several of the States to meet together, and organize a kind of central managing committee, that should put forth sound, substantial, old-fashioned State-right democratic notions, and thus to supply to honest young men, and men in humble life throughout the country, an opportunity to hear their political sentiments expressed and find others agreeing with them, and that would, at the same time, take away the danger of their getting into societies that would lead them into mischief, riot, and bloodshed. That was the intent of the association.

Q. Were you a member of the association of American Knights ?

A. I went through all its degrees, and was recognized as a member, and as the highest officer in the State of New York, being permitted, by a mere privilege extended to everybody that wanted it, to dispense with the taking of any obligation that I did not like ; to take what I liked, and let the rest go.

Q. State the nature, origin, and object of that association.

A. I can give the origin as stated to me by Mr. P. C. Wright. I had heard, through the summer of 1863, from several gentlemen, friends of mine, from the west, though I believe most of them avowed that they were not members themselves, that there was a very powerful association, numbering some seventy or eighty thousand men, in the State of Illinois, and very large numbers in adjoining States. Mr. Wright requested a gentleman from St. Louis, who was not a member of the order, but a personal friend of mine, to give him a personal introduction to me. The gentleman, before doing so, came to see me, and told me that Mr. Wright was received among some of the best people in St. Louis, and was looked upon as a worthy and honest gentleman ; but he told me that he was the most imprudent and visionary man that he knew. Mr. Wright, having requested this interview, told me that he was an humble missionary or envoy from the association in the northwest, delegated and sent to New York to ascertain whether there were not also in the city and State of New York some true men of the old democratic stamp, who were ready to engage in a united effort to restore the institutions of the country. With very little preamble he pulled out voluminous papers, I believe all in manuscript, though some few may have been printed in a very rough form, not corrected, and he proceeded to go on and explain the association to me. I went through the whole of the degrees of the order with him ; he said it was not necessary to read the lessons or pledges ; that they were *understood* ; the long pieces of declamation he passed over for

brevity's sake, but he inducted me through all the degrees. Questions arising in regard to the operations of this order, I stated my objections ; in the first place, that the oaths that were required were exceedingly rash ; they covered whole pages of writing, and that a man was required to swear to, perhaps, fifteen, twenty, or thirty different, separate propositions ; it was rash, and ought not to be done. He said it should be changed. I objected to the oath afterwards altogether, and he said that should be changed ; that the supreme council was about meeting in Chicago, and asked if I would not go and represent myself the objections that operated on my mind, and which also were found to operate upon the minds of a very large class of the community, who entertained the same views that I did. There were certain propositions in regard to the penalty of revealing the secrets of the order to which I objected, implying that the person was to be assassinated, but he said, " No, that was merely for effect." I insisted that it should be struck out, and it was then and there struck out. Mr. Wright never revealed himself as being the supreme commander of the order until I arrived in Chicago, when, instead of being a stranger, a missionary of well-known politicians of the West, I found him taking the chair, and presiding as the head of the whole concern. I found there a few gentlemen, some of whom I had known by reputation, and others to whom I was introduced, that seemed to be very worthy gentlemen, but none of any prominence in political life in Illinois, Indiana, or Missouri, and I found, I believe, no other State represented. I lost very little time in expressing my views to the so-called supreme council, that it was a humbug. I was assured that it was not, and requested to go and see for myself. My time did not admit of my going very far, but I went into several counties in Illinois where this order was so very potent that they could take the whole government into their own hands, and I found the order a myth. I found that respectable gentlemen had run into it and run out again immediately ; some others, who had not taken the trouble to go out, said that it was a game of some young lawyers, who had not much money in their pockets, to supply themselves with a little ; and some gentlemen, who said they would pay anything to get up the old democratic party, had joined and paid their fees and never attended again. In the meantime the meeting adjourned, having done nothing but make speeches—adjourned to meet in New York on Washington's birthday. This gentleman begged and implored of me not to give the thing the good-bye, but to try and make an association of the members he had hitherto tried to get together. I went home and entered into correspondence, especially in Pennsylvania. It was to my knowledge that the most dangerous secret societies were existing among the miners in Pennsylvania. I wrote to Bigelow and others of the same stamp to come to New York, and see if something could not be done to throw a moral influence or restraint upon these men who were shooting provost marshals, and not only resisting the draft but resisting civil processes. Many of them answered me ; some of them came on to New York. But the association that I proposed should be private ; that we would put, as we had a right to, a doorkeeper out, and say that it was a private meeting of gentlemen engaged in political operations, not choosing that our movements and plans should be reported in the papers ; but these gentlemen refused to enter into anything that had even a shadow of a secret society about it. Others objected to the oaths, signs, and passwords, and wished it to be like a private caucus. They took it into consideration, but none of them appeared in New York of the least political importance. We met and waited for a day or two ; spent the time in a kind of interesting debating society. Many speeches were made, and the result of it was that when I found the men I wanted would not come, we adjourned. They had in the mean time spoken to Mr. Vallandigham, whom I had been instructed in Chicago to wait upon on my way home, and sound him as to his disposition to enter the order—that is, the old order of American Knights. Mr. Vallandigham forgets the fact, but it is nevertheless what I told him. But I told him not to have anything to do with it, for in its present form it was a palpable humbug, and until he was home

and knew with whom he was dealing he had better keep out of all such things. He did not, however, I believe, enter the order of the American Knights, but he agreed to have his name made use of as chairman, or, as the name had been, the supreme commander of the society in the States. When that meeting adjourned I lost all interest in the affair, although my only object then was not to fail in a thing I had undertaken, and I tried to get an association that was to be a debating society for those who chose to meet in it and talk, and I proposed the name of the Sons of Liberty, which was taken; and when they spoke of calling it the "order," that had no oaths but only a pledge of honor, I objected to the initials O. S. L., and we were pretty badly sold in the matter. I remember hearing that the State of Missouri had refused to make a change in the name.

Q. So far as the supreme council was concerned, did they ever change the name or abolish the order?

A. They abolished the whole affair.

Q. What was then done in regard to instituting the Sons of Liberty?

A. A committee was appointed from day to day to draw up the ritual. Dr. Massey, then a citizen of Ohio, was specially deputed as chairman of that committee, and I believe he labored a few minutes each day, but made no headway, and from that day to this no report was made, and the whole thing was left in chaos. He proposed to introduce some part of Mr. Wright's ritual of the order of the American Knights, and insisted that there was something imposing and grand, which pleased the farmers out in the West, while others said they wanted no such thing connected with a democratic organization. The ritual, however, never was published, and, so far as the order of American Knights existed, their ritual never was authoritatively published; each man took it, and each man printed it to suit himself in his own State; and in regard to the Sons of Liberty, some few pages were passed upon in that meeting in New York in February. They were carried to Mr. Vallandigham, and Dr. Massey made sundry and various changes therein. I heard of the affair when I was at Windsor, and I told Vallandigham that I would allow none of those alterations at all, because they did not suit my mind.

Q. Was there a constitution, and rules, and regulations for the grand council?

A. They were published without authority, and are of no obligation whatsoever.

Q. State the antiquity to which you learned the rules and regulations of that order was entitled?

A. I was instructed by the plenipotentiary of the order that the association lineally came down from the year immediately preceding 1776, and it was the continuation of this society out of which the war of independence of the thirteen colonies grew, and that it had been continued in various branches, that of Cincinnati and "Tammany Hall" being of them; the most perfect existed in South Carolina, where the member of the old association continued it to his oldest son, and, in the failure of having an oldest son, he had the power to name some worthy and distinguished patriot. Mr. Wright formed this association and entered it with his whole heart somewhere about the time of the quarrel of the compromise in 1850-1852, or perhaps a little later.

Q. Had it any connection with the order of the Knights of the Golden Circle?

A. He stated that it had. One was to thwart the filibustering purposes of the Knights of the Golden Circle in stealing Mexico and Cuba, and extending the area of freedom generally, and the other object was to thwart those bad men south and north who were precipitating the war that was threatened the Union; it was to preserve the Union. These were the two objects. When the war broke out in 1860 he was outside of the army, and he pined for congenial employment; and finding himself in St. Louis, he considered, as necessity knew no law, that he would make this great order grow in the north as it had done in the south, and he had no doubt that when the Union came, this order, north

and south, would be found to embrace each other as brothers, and be the cause of the reunion.

The old association or organization I have referred to, (a part of the articles of which the judge advocate read yesterday.) Wright said that these propositions are identical, and copied word for word as they stood in 1775. He did not, however, state who copied them. On reading them over I perceived that they had the marks of his peculiar style, mystical and vague, which politicians of 1776 did not indulge in. He was one of the greatest romancers I have ever known, and when he was talking he scarcely knew whether what he was saying was true or false.

(A printed address signed P. Caius Urbanus was here handed the witness.)

Q. Have you ever seen this address, said to have been written by P. C. Wright?

A. I remember seeing it in the New York Daily News; it was never transmitted to me as grand commander of the order of Sons of Liberty. When Wright came to New York I took him very severely to task about it, but he assured me that he did not know how it had got there; but he had been a contributor to the New York News for some time before that, and that is his signature.

Q. Was this published before it appeared in the New York News?

A. Yes, sir, it must have been in January, for he came to New York, and I blew him up for doing it. Mr. Wright was excessively anxious that an address should be issued to terrify the American people, if anything further should be done. The whole thing was abandoned on the ground that it was an idle threat, when any body of men from a corporal's guard could have arrested the members of the order in Chicago without difficulty.

Q. Was there anything in the ritual about resisting usurpation?

A. No, sir; that was in his old ritual, but as we read it over and it struck our eye, we expurgated it. When we got out of the mist of his talk, and found anything that looked dangerous or improper, or likely to get us into trouble, we struck it out.

Q. Was this document adopted by the order?

A. No, sir; it was scoffed and laughed at by every man who was a member of it.

Q. Was it ever made a test of any member of that order?

A. No, sir; it could not be possible; it is, of course, impossible to say what an individual might do; if I, for instance, were to ordain you a bishop, which I have no authority to do, it would amount to nothing.

Q. Did the association of the Sons of Liberty ever contemplate resistance to the constituted authorities of the United States, as one of the purposes and objects of the association?

A. It was not, neither of the Sons of Liberty or the American Knights. On the contrary, one of the express things in which I was instructed by Wright as an object to be effected by the order, was to stop the shooting of provost marshals, and resistance to not only the draft, but in some instances to the execution of civil processes; and it had been the means of stopping these things by bringing them together as a people in their organized capacity.

Q. Was it ever an object of the association to release the rebel prisoners?

A. It was not; no such project was ever mentioned in my hearing.

Q. Was there any such idea as getting up an insurrection to aid the rebellion contemplated, as an object of the association?

A. No, sir, by no means; neither an insurrection to aid the southern rebellion, nor to aid the northern States, should they attempt to set up a government on their own hook. The object was to revolutionize the minds of the people, so that they would come back to the old Jeffersonian doctrine, (with all respect to the court,) and put the civil above the military power.

Q. Was there any such purpose as establishing a northwestern confederacy made an object or purpose of this association?

A. Not in the slightest; nothing to do with it; every man held such ideas upon that subject as he chose.

Q. State how far the Constitution of the United States, and the Union founded upon that compact, were an object and purpose of this institution.

A. It was laid down in the beginning of that affair—it had no authority, but it was incorporated in Mr. Wright's ritual, which was read in some Temples—it was laid down there that the Constitution of the United States was the most perfect and the best form of government for the people of these States that could be devised, and of course the object was to maintain that.

Q. Was any such purpose contemplated as the changing of public sentiment, and bringing it to the aid of the southern rebellion?

A. No, sir; nothing of the kind; a man held what opinions he chose in regard to the revolution at the south.

Q. Was Vallandigham installed as supreme commander of the Sons of Liberty?

A. He was at the time in Canada. I was deputed as one of a committee of three or four, or five, to go and do it, but I did not go.

Q. Was he in the order as supreme commander?

A. He was.

Q. Did he have any such thing as a military staff attached to his official position?

A. No, sir; the only staff he had was his gold-headed one.

Q. Was there anything connected with this association contemplating an interference with those who are concerned in carrying on the war for the suppression of the rebellion?

A. Not in the remotest degree. It would be impossible that it should have had any such intentions. It is liable, like every other institution in which there is the least degree of privacy, to be abused by designing men.

Q. Were the subjects of Temples and lodges in different localities under the command of the supreme council?

A. No, sir; it might have been so in the bundle of writings which were never adopted. The supreme commander himself could not enter a temple in New York except at the request or by permission of the local authorities.

Q. Were you a member of the supreme council?

A. I was; and head of the grand council in New York, if it had one.

Q. If you have any other knowledge, please state it.

A. The whole thing might be described as a transparent humbug.

Q. Is it in existence at the present time?

A. No, sir; the only associations that exist now are some democratic associations.

Q. Had the counteracting of the Loyal League anything to do with the establishing of this order?

A. It was talked of, but in New York we had no need to do anything of the kind, as our State militia was abundantly able to take care of the peace, and to allow all parties to entertain their views.

Q. Was it insisted on, that you know, in other States that it was so?

A. Each State had to determine that for itself.

Q. Was the protection of citizens from unlawful interference at the elections an object of the order?

A. No action was taken upon the subject; it was debated and talked of.

Q. Was it contemplated as one of the results of the institution?

A. No, sir; it was so avowed by some members, but others took no interest in it.

Cross-examination by the JUDGE ADVOCATE:

Q. You state, do you not, what you know of this order from what came under your own notice in New York?

A. Yes, sir; and as grand commander of the State.

Q. Had you any knowledge of the working of the order in the subordinate lodges in Indiana, Ohio, or Illinois, further than what you gained at your visit?

A. But little.

Q. What do you know, if anything, about the military organization of the order in the State of Indiana or Illinois?

A. I have been informed that there was a military feature in the organization, but I cannot speak from my own knowledge, as I was never in their lodges or temples, or councils.

Q. Then you do not know whether they did or did not contemplate bringing about an insurrection in Indiana and the adjoining States?

A. I do not.

Q. And you do not know anything about arms being furnished by the confederate government to the grand commander of Indiana, for the purpose of releasing rebel prisoners, do you?

A. I do not.

Q. Did you ever hear of that fact?

A. I certainly did hear of it, but it was from a very lying authority, namely, the telegrams of the associated press.

Q. Then, when Mr. Amos Green testifies that he was so informed by the agents of the confederate authorities in Canada, he lies, does he not?

A. I was not aware that he so testified, though I am aware that Mr. Green met those gentlemen in Canada.

Q. But you think, do you not, that any such information as to the designs of the order was lying and false, do you not?

A. No, sir; I merely say that I regard the telegrams of the associated press as almost invariably false, and utterly unreliable, and therefore I would not believe them.

Q. Did you ever meet a member of the order named Colonel Barrett?

A. Yes, sir; in Chicago, in December, 1863. He was delegated to the supreme council from Illinois or Missouri.

Q. Do you know what position he occupied in the order?

A. Not positively; and I never met him again to my knowledge.

Q. Did you ever hear that Colonel Barrett had been furnished with two millions of dollars for the purchase of arms for the release of rebel prisoners in the north?

A. I never heard anything of the kind, or one half so big.

Q. Did you learn from any member of this order that money had been furnished to Colonel Barrett—another member of the order—by the confederate government, to be used for the purpose of releasing rebel prisoners in the northern States, or for any other illegal purpose?

(Question objected to by the council for the accused as asking for hearsay testimony, and calling for matters not referred to in the examination in chief.

The court was cleared for deliberation. On being reopened the judge advocate announced that the objection was overruled.)

A. A statement was made to me by one who had been a member of the association, an officer of the supreme council, who had travelled very extensively through the States, and who, like myself, considered the affair dead, and was no longer a member, as he made this statement of Colonel Barrett—not of Colonel Barrett as a member of the Sons of Liberty, but as to Colonel Barrett and his family—that they, like Dodd, were fooling Jake Thompson out of his money.

Q. Was that his entire statement?

A. That was the entire force of it; this was a confidential statement; he was saying what he had heard. This man was formerly a merchant in St. Louis.

Q. State what he said to you in that conversation about money having been furnished by the confederate government to be used in these northern States.

A. It was after the developments in the papers in regard to H. H. Dodd. He was very bitter upon Mr. Dodd, looking upon him as a swindler, playing any kind of game to get money into his hands; and he said, there are others in the northwest that I look upon as no better than he. I said, who? He said, there's Barrett, living on confederate money instead of earning money for himself.

Q. Did he say anything about obtaining money for releasing rebel prisoners?

A. No, sir.

Q. Was Barrett a member of the supreme council that met in New York?
Dr. Barrett, not Colonel Barrett.

A. It was the Colonel Barrett that was living on confederate money.

Q. Was Dodd a member of the supreme council?

A. Yes, sir.

Q. Was Mr. Milligan, of Indiana, a member of the supreme council?

A. Yes, sir; he was present at Chicago, and was one of a few men out of regard to whose candid, truthful, law-abiding statements, as I understood, I was induced to hang on and make another trial to get up a meeting.

Q. Were you aware that he held any military position in the order?

A. I was not.

Q. Were you not aware that he was a member of the supreme council by virtue of his military position?

A. No, sir; Milligan was not in New York; I am speaking of the meeting in Chicago.

Q. Did you attend a meeting of some of the leading men about the 20th of July last, in Chicago?

A. No, sir; a meeting had been called for the 4th, but it was afterwards ordered to be held on the 2d; I know nothing about the meeting of the 20th.

Q. How many did the order number in the State of New York?

A. I received no reports.

Q. Were you initiated into the order of American Knights?

A. Yes, sir; but in going over the long swearing I said, I cannot swear to that; he then said, never mind; the oath was read, and I said I would accept such of it as I thought proper.

Q. Do you remember whether you took the obligation of the first degree of the order of American Knights, or did you object to it?

A. I objected to it in form and matter; I objected to its vagueness, and to much of it as illegal and immoral.

Q. Do you remember this: "I will at all times, if need be, take up arms in the cause of the oppressed—in my own country first of all—against any monarch, prince, potentate, power, or government usurped, which may be found in arms and waging war against a people or peoples who are endeavoring to establish, or have inaugurated, a government for themselves of their own free choice, in accordance with and founded upon the eternal principles of truth?"

A. I remember there are a great many phrases there that I said it was an insult to ask a man to swear to; and then to ask him to swear without making any mental reservation! I said the whole thing would have to be re-cast. It was taken in a Pickwickian sense; it was to be impressive in Mr. Wright's sense. I, however, thought it was extremely likely to lead into trouble those before whom it would be brought.

Q. State whether, with men of less intelligence than yourself, it does not bear an import of more than the legal protection of their rights.

A. My impression is, that upon the minds of the laboring classes the idea would be, why do they have such a mass of words? They would say, I don't understand their long rigmaroles.

Q. When this oath pledges them to take up arms against any power usurped,

and they believe that the administration was exercising usurped powers, would not the inevitable conclusion be that they had to resist that administration, and the officers exercising those usurped powers?

A. I say that the whole of the ritual was never accepted by the order.

Q. But you cannot swear that it was not accepted by the twenty or thirty thousand people of Indiana; and I ask you, what would be the probable effect upon those people believing that the government was an usurpation? did it not swear them to resist it?

A. Without regard to time and occasion, I say no, I think they would not so regard it as a general proposition. I should consider that its tendency would be to educate and prepare the minds of the people one by one to act together as a people—as a State, for instance; and this was setting forth what are the rights of the people. The common working people do not take their ideas out of a book and attempt to carry them out with a bayonet; they take their ideas from living men. I do not think men act on their belief in political affairs; they act upon circumstances and exigencies.

Q. Does not this pledge them to aid the southern States in their rebellion: "I will at all times take up arms in the cause of the oppressed," &c.; and was it not claimed that this government was an usurpation, and that resistance to it was a duty?

A. It was claimed that the government, in many of its acts, was an usurpation; this was claimed by democrats generally, and I think the order generally entertained the same opinion. But I answer as to the ritual that I did not accept it.

Q. Was the meeting in New York an official one?

A. It was not; it was a matter of ridicule among us day and night, and most of us believed it was all nonsense, and the matter a general humbug.

Q. How do you explain that a meeting, that you say was a humbug, was to abolish an organization containing its 75,000 members in Illinois, its 30,000 or 40,000 in Indiana, and perhaps 20,000 in Ohio?

A. I believe that these numbers were greatly overestimated.

Q. Does not Mr. Amos Green know as much about this organization as you do?

A. Yes, sir, probably a great deal more.

Q. Does not H. H. Dodd know as much about it as yourself?

A. Possibly a great deal more.

Q. Would not the grand secretary of Indiana know more of the numbers and the extent of the organization in that State than yourself?

A. Possibly, if he received any reports on which to base his knowledge.

Q. Do you not know that systematic returns of numbers and arms were made to the secretary of Indiana?

A. Mr. Dodd so said, but I did not believe it. I believed it at the time, and do still, as a game to make himself a more important personage than I should otherwise, perhaps, have believed him to be.

Q. I ask you if you *know* anything of the kind?

A. I do not.

Q. Mr. Dodd and Mr. Green were in New York at the meeting, were they not?

A. Yes, sir; they were the grand commanders of the States of Indiana and Illinois.

Q. If Mr. Green states that the meeting in New York was simply for the purpose of changing the ritual of the order of American Knights to a new name and also that the order of American Knights never was abolished, but simply merged into that of the order of Sons of Liberty, would not his recollection be as good as your own?

A. Yes, sir; as to what his intention was in going there, I do not suppose

that my opinion or knowledge of the matter is better than that of any other gentleman having equal opportunities; I know we frequently adjourned for drinks, and that, perhaps, was the principal business.

Q. Did I understand you to say that the government exercised powers?

A. Yes, sir.

Q. And that the President was a usurper?

A. Yes, sir; perhaps men used very remarkable language, but I do not claim that he is, or ever was a usurper; that he exercised and perpetrated many acts of usurpation is only a matter of definition and facts.

Q. With people who believed that the executive part of the government was a usurpation, I want to know how far this oath pledged them to resist that authority?

A. That oath pledged them to nothing but to listen to Mr. Wright. I never saw the oath administered to any member in the organization.

Q. But to any person who took it in good faith, did it not swear them to resist those that were usurping power?

A. Yes, sir; and it was that I disagreed with, which would lead men, at any time and without regard to circumstances, to take up their weapons and strike the first man that was engaged in it, and act like fools.

Q. Are not those people in the Confederate States engaged in establishing a government for themselves?

A. Most undoubtedly.

Q. And did it not pledge them to assist those people?

A. It swore them to it but did not pledge them to it. The meaning of the oath would so have pledged them, without regard to circumstances, time, or occasion, but it would be to act as madmen, and therefore the oath could only be looked upon as a piece of mystical, nonsensical writing.

Q. But were not those who did take it in good faith, and believed and swore to it, bound by it? Did it not swear them and pledge them to aid the Confederate States?

A. No, sir; because people are not pledged in that way. Men are not influenced in that kind of way by what is read out of books. You are asking a question of moral philosophy, and I am not a professor of it.

Q. I asked you whether persons who took that oath in good faith, and believed it, whether or not it did not obligate them to assist the rebellion.

A. The question I do not understand and cannot understand. You must define which of two things you mean. If a man said it is right, and it is a duty to resist every act of oppression, and every invasion of his rights, and you come and ask me if some passage in that book, taken in good faith, will make him resist a given act that happened yesterday, or to-day, in the city of Cincinnati, I answer that it will depend entirely upon the human heart as to whether he considers himself bound by it or not. The language ought to be clear, and carry a definite purpose, and only such language could be used in an oath; and on that account I looked upon the whole thing as without any definite or sensible meaning.

Q. I want to know whether any person's taking that oath pledged them to assist the southern rebellion?

A. All this I beg to say was altered in New York at that time, in the fall of 1863, before the meeting in Chicago. I believe every man who called upon Mr. Wright knocked out something and put in something.

Q. But supposing one hundred and fifty thousand do take it?

A. If they were honest men they would know that they had taken a rash oath, with nonsense and stultification on the face of it.

Q. But supposing they were not honest men, do you not think that combination would give strength to conspiracy?

A. The order had nothing but incoherence without extension; Mr. Green avowed that his object was to amuse the boys and keep them out of mischief.

Q. I believe you heard the 5th, 6th, 7th, and 10th articles of this ritual read, did you?

A. Yes, sir.

Q. Will you state wherein the doctrine which the rebels are fighting to maintain differs from that which is there avowed?

A. I presume, as far as the theory goes, they are identical, because the principles are those of the Constitution of the United States, with a few unimportant alterations. There is no difference of principle between the Constitution of the United States and that of the Confederate States. I say for myself that I do not believe that governments ever stick to their constitutions.

Q. I want to know if the principles enunciated in that constitution, differ, in any way, from the principles promulgated by the confederate government, and for which they are fighting.

A. It will depend whether the principles of the Confederate States are identical with those of Thomas Jefferson and the fathers of the United States. The newspapers say, I know, that Mr. Stephens asserted that slavery was the foundation principle for which the southern States are fighting; I believe it is not so, but I cannot tell; the newspapers are not good authority for facts.

Q. Do you mean to say that you do not know the principles for which the rebels are fighting?

A. They pretend to be fighting for the principles for which their fathers and ours fought in 1776.

Q. Are the principles there enunciated the same as the rebels claim that they are fighting to maintain?

A. Yes, sir; they are the principles of 1776; they are two things equal to the same, and therefore equal to each other.

Q. I now ask again if the principles there enunciated are the same as the principles which the rebels are fighting to maintain?

A. I think some of them are probably fighting because they are conscripted, and I think probably some negroes are fighting because they cannot help it; and some, I think, are fighting simply to drive the Yankees out, and do not care a snap for their government after they have established it. One portion of the South, for instance, agree with Governor Brown in accusing Jeff. Davis of subverting State sovereignty; if you mean that Jeff. Davis and his friends are fighting to establish a consolidated government at the south on the ruin of State sovereignty, then they are not identical with these principles.

Q. I ask again if the confederacy was not established on the theory of the sovereignty of the States, and the right of secession?

A. Yes, sir; and their right to secede at will.

Q. Is not that the doctrine held by that pamphlet and by the Sons of Liberty?

A. That is the doctrine of every free State of the old Union.

Q. Is not the doctrine of that pamphlet the assertion of the sovereignty of the States and their right to secede?

A. A State may have obligations as a State, but a State is the ultimate and sole sovereignty to which every federal power is obligated.

Q. Are the principles enunciated by the order to which you belong the same as those held by the Confederate States?

A. I do not know.

Q. So far as you do know, are they?

A. So far as they adhere to the principles of 1776, and the principles of the men who framed the United States Constitution, so far the principles are identical; in whatever points the Confederate States are diverging therefrom and fighting for some new object, so far they are not identical.

Q. State whether the order of the Sons of Liberty, so far as you know, held to the doctrine of State sovereignty.

A. So far as I know, with a few exceptions, they did.

Q. Did they hold that a State had to secede in its State capacity ?

A. There were differences of opinion.

Q. How was it with the majority of the order ?

A. I did not know the opinion of the majority of the order.

Q. What was the opinion of the majority of those you heard speak ?

A. The majority of those I heard speak held as I do.

Q. Is that that a State had a right to secede ?

A. You asked me to answer categorically ; I distinguish.

Q. Did the majority of the order that you heard speak, hold that a State in its State capacity had a right to secede ?

A. I being under oath, must not go on and talk loosely ; I could not swear that I ever conversed on that subject with a single man in the order whose name I can recall.

Q. So far as you heard it expressed, how was it ?

A. I never remember an expression on the subject ; I cannot recall a single expression of the sentiments from any one man of the Sons of Liberty. Undoubtedly there have, but I have no recollection of what they said ; it is like asking if you ever heard the war spoken of, or General Lee's character, but I cannot tell, as I have no recollection of ever discussing the question.

Q. I asked you which side they took upon the question ; whether they were against the prosecution of the war.

A. As an order they were undoubtedly against the war, and in favor, as an order, of stopping it.

Q. Then I asked if the majority of those in the order were in favor of a right to secede.

A. I cannot answer positively. The right of a State to secede, like every other right, must be interpreted in different ways. A State has a limited authority to do what she pleases. If there is no temporal authority over the perfectly organized society of men in a State or nation, therefore that limited right she has. But I do not wish to use the word right, which is susceptible of two or three meanings. A man and a State has a right to do wrong ; that is to say, there are certain acts that a man may commit in his own family and a household that are wrong in themselves, as, for instance, if he refused to let his children go to church, but there is no power under heaven that has a right to interfere with his wrong doing. That is, in that sense, he has a right to do wrong. In that sense every State has a right to secede whenever prudence dictates it, or there is sufficient cause to break its treaties with other States, which should not be done lightly ; when the cause is sufficient, and when she has a reasonable prospect of achieving her independence. But to bring bloodshed and ruin upon her people when she has no hope of achieving her independence, is, of course, very wrong.

Q. Did the order, so far as you had their opinions from judgment, ever profess to hold that there was any power in the general government to coerce a State as a State ?

A. My mere opinion is that that was the prevailing opinion in the order.

Q. Do you remember any member expressing a different opinion ?

A. I cannot say, but if he did it would not strike us with horror. I never expressed such an opinion or the opposite, but my opinion is that the majority of the members held that opinion. I now recall hearing one gentleman in Chicago, an excellent gentleman, a member of the order, in the supreme council, who entertained us to as nice a piece of old-fashioned Hamiltonianism as to the powers of the general government in its limits as one would desire to hear, and was perfectly amazed when he was told that he was talking the doctrine of the old-line whigs. He claimed that the general government was a nation, and that it was a nation behaving very badly, and that the people without regard to States had a right and were bound to defend their rights.

Q. Did that doctrine receive the assent of the body ?

A. He was a very worthy man, but the members who were sitting around me desired that he would stop that they might adjourn, and they desired him to stop on that account.

By T. W. BARTLEY, esq.:

Q. When the ritual was changed from the American Knights to the Sons of Liberty, what kind of obligation was adopted in the Sons of Liberty ?

A. For membership I think there was no oath, that the oaths were entirely abolished, and that there was something of the kind of a pledge of honor, and that the oaths were to be entirely done away with. The oath that the judge advocate read was bundled out of existence as a document.

Q. I wish to call your attention to that part of this statement upon which the judge advocate has examined you at such length, "I do further promise," &c. Do you understand the southern confederacy to be a government established upon the eternal principles of truth ?

A. If it is established upon the perfect Constitution of their grandfathers, I do so consider it. If it differs from that Constitution it will depend upon how it differs. I hold that a people have a right to change their government—that is, they have a right to abolish their constitutions and make their president a president for life, and abolish Congress, and do whatever else they please, if they unite.

Q. You are now speaking upon an abstract question, are you not ?

A. I am.

Q. If it be said that the southern government was founded upon the principles of truth ?

A. Then every good man would wish it success ; and, I should add, if the government was founded upon the eternal principles of truth and the government was acting in accordance with them.

Q. Did you understand that this was an assertion that the southern confederacy was founded upon the eternal principles of truth ?

A. No, sir ; I scarcely met a man who did not consider it a hash of bad English, bad logic, bad theology, bad principles, mystical, and absurd.

By the COURT:

Q. Do you hold that our government can be changed in any other way than by the voice of the people properly expressed ?

A. That would be the only rightful way. I hold that it was a government of States, in which the people of each State was the sole and ultimate power ; that was the plain theory of the government. I talk of how it has practically existed since I have known anything of political life. For fifteen years I have heard of the nation. That was not the way my grandfather spoke—he spoke of the federal union of States.

The commission adjourned to meet on Friday, March 31, at 11 o'clock a. m.

COURT-ROOM, CINCINNATI, OHIO,

March 31, 1865—11 o'clock a. m.

The commission met pursuant to adjournment. All the members present, except Colonel Benjamin Spooner ; also present, the judge advocate, the assistant counsel, the accused and their counsel.

The proceedings were read and approved.

Robert Hervey, esq., counsel for B. S. Morris and others, submitted an affidavit as to the materiality of the testimony of certain persons, at present prisoners of war, to wit : Adam R. Johnson, brigadier general, Rhodes Fistier, captain,

and E. H. Bristol, lieutenant, in the service of the rebel government, all of whom knew John T. Shanks in Austin, Texas, and could testify as to the weight to be attached to his testimony; also as to the materiality of the testimony of P. G. Wright, at present confined in Fort Lafayette, who could testify to facts that cannot be obtained by any other witnesses. Said affidavit, marked R R, hereto attached, and made part of this record.

LEWIS C. MORRISON, a witness for the accused, was then introduced, and being duly sworn by the judge advocate, testified as follows:

By the accused:

Q. State your name and residence.

A. I live at present in Chicago, but I have resided at Grand Rapids, Michigan, all my life, except the two years I have been in Chicago.

Q. Do you know Christopher C. Strawn?

A. I do.

Q. Do you know his handwriting?

A. I do.

Q. Have you seen him write?

A. I have.

(A letter was here handed the witness.)

Q. Is that the handwriting of Christopher C. Strawn?

A. It is.

(The counsel for the defence here offered the letter in evidence, which was objected to by the judge advocate, as immaterial and irrelevant. The court was cleared for deliberation. On being reopened, the judge advocate announced that the commission had decided not to receive the letter.)

Judge Wilson, counsel for Charles Walsh and others, offered an affidavit praying for the reproduction of Christopher C. Strawn in court, which was objected to by the judge advocate.

The court was cleared for deliberation. On being reopened, the judge advocate announced that the commission had decided that the papers be returned, and if any witness is desired, an application in the proper form be made.)

Q. Are you a member of the organization known as the Sons of Liberty?

A. I was.

Q. When did you join that order?

A. I think some time in May, 1864, in Chicago.

Q. Were you ever a member of the grand council of the State?

A. I was initiated into the grand council in July, 1864.

Q. Were you in the habit of attending the Chicago branch of the order regularly, or otherwise?

A. I was quite a regular attendant.

Q. Did you ever hear in that order, or from any member of the order, out of the order, that it was any of the objects or purposes of the order to release the rebel prisoners at Camp Douglas?

A. I never did.

Q. Did you ever hear in the grand council, or from any member of the grand council out of the grand council, state that it was the object and purpose of that branch of the order to release the rebel prisoners at Camp Douglas?

A. I never did.

Q. Did you ever hear, either in the lodge or in the grand council, or from any member of the lodge or grand council, that it was any part of the plan of either or any branch of the order of the Sons of Liberty to establish a north-western confederacy?

A. I never did.

Q. Or to give aid and comfort to the rebels in arms against the government?

A. I never did.

Q. Or to sack and burn the city of Chicago?

A. I never did.

Q. Did you ever hear Judge Morris speak in the order?

A. I have, quite a number of times.

Q. Did you ever, or not, hear Judge Morris make any reference whatever to the rebel prisoners at Camp Douglas?

A. I never did, that I remember.

Q. Did you ever hear Judge Morris make any reference to assisting the southern rebels in arms against the government?

A. I never did.

Q. Did you ever hear him make any reference to the establishment of a north western confederacy?

A. I think I never did.

Q. Did you ever hear him make any reference to any such project as to sack, or burn, the city of Chicago?

A. I never did.

Q. What was the general tenor of Judge Morris's speeches in the order?

A. Quite extravagant; he talked very earnestly. His speeches were generally mainly in regard to carrying the election, and with regard to our being interfered with at the polls.

Q. Did you, on any occasion, hear Judge Morris counsel forcible resistance to the United States authorities?

A. I never did.

Q. Can you state whether Judge Morris, in all the speeches you heard him deliver, cautioned the order as to how they should act?

A. The judge always, I believe, in every speech, enjoined perfect obedience to the laws and Constitution of the United States.

Q. Did you know a man by the name of L. A. Doolittle?

A. I did.

Q. Have you heard him make speeches?

A. I have.

Q. What was the character of his speeches?

A. He talked extravagantly indeed; and to such an extent, that we were always sick of it. I invariably got up and left when he commenced. His speeches were received with disgust.

Q. Was any proposition or suggestion of this man Doolittle of this extravagant character, that you ever heard him make in the order, ever acted upon by the order?

A. Not that I know of.

Q. If it had been, were you not in a condition to know it?

A. I think I should.

Q. Do you know Dr. Ayer?

A. I do.

Q. Did he become a member of the order after you did?

A. I am not positive, but I think he did.

Q. Have you heard Dr. Ayer address the order?

A. I have.

Q. What was the character of his speeches?

A. He always went a great deal further than any of the others, in counselling action in case of the interference at the election, and seemed to be in favor of stirring up a feeling of hatred towards the administration and the government.

Q. Was that the characteristic of Ayer's speeches?

A. It was.

Q. Were you present on any occasion, in answer to a request made, when an explanation of the objects and purposes of this order was given?

A. I think I was there during the time the judge spoke; I think I came in while the judge was speaking; it was a speech in explanation of the objects and purposes of the order, and Dr. Ayer was present. After Judge Morris closed

that speech, Dr. Ayer spoke a few moments; he said that he fully indorsed the sentiments stated in the speech of Judge Morris.

Q. Did he say anything about the explanation of Judge Morris being satisfactory to him?

A. He did; he said it was satisfactory.

Q. Do you know Robert Alexander?

A. Yes, sir; I do.

Q. Did you ever hear him address the order?

A. Yes, sir; several times.

Q. What was the character of his addresses?

A. They were always of the same character as Dr. Ayer's.

Q. Did you ever, on any occasion, hear Judge Morris, in any speech which you heard him deliver, indulge in anything like such extravagant sentiments as you heard from Ayer and Alexander?

A. I never did.

Q. Did you ever hear Dr. Ayer state how he came to leave the State of Kentucky?

A. He said he had been driven from the State of Kentucky by the federals.

Q. Did you ever hear him assail the policy of the administration?

A. In speeches he very often referred to the arbitrary arrests, the infraction of the Constitution, and the suspension of the writ of habeas corpus.

Q. Did you ever hear it stated by anybody in the order that the rebels in Camp Douglas were the staunchest friends of the order?

A. I never did.

Q. Did you ever hear the news of a Union defeat received with rejoicing by the order?

A. I never did.

Q. Did you ever have a conversation with Dr. Ayer on the stairs leading from the hall of the order, as he describes it, "on the square?"

A. I did.

Q. Did you know, with reference to that particular phrase, that he was a mason?

A. I did.

Q. Did he know that you were a mason?

A. He did.

Q. Did this expression, "on the square," refer to your connection with the masons?

A. Yes, sir.

Q. In that conversation did you ever tell him that it was a part of the plans and projects of this order to release the rebel prisoners at Camp Douglas?

A. I did not.

Q. Did you ever tell him that it was a part of the plans of this order that the rebels were to be released on the night of the election?

A. I never did.

Q. Did you tell him that it was a part of this plan to kindle fires in different parts of the city to distract attention?

A. I never did.

Q. Did you ever tell him that it was a part of the plan of this order to get their men in a railway and telegraph office to serve the purposes of this order?

A. I never did.

Q. Did you hear the speech of Judge Morris, in which he made use of the expression, "giving abolitionists hell under the shirt?"

A. I did.

Q. Was that the speech of which Dr. Ayer stated that he was perfectly satisfied with Judge Morris's explanation?

A. I believe that was the occasion.

Q. Did Judge Morris, in that speech in which he used that cant phrase which

most Kentuckians will understand, make any reference whatever to the rebel prisoners at Camp Douglas?

A. He did not.

Q. Was there any standing order in the order of the Sons of Liberty in the Chicago Temple by which one James Geary was appointed a committee to supply the wants of escaped rebel prisoners?

A. I do not know of any such.

Q. Had there been any such committee, would you, from your position, have known it?

A. I think I should,

Q. Was there any penalty announced in the ritual for revealing the secrets of this order?

A. Not in my hearing, or to my knowledge.

Q. Did the obligation which members assumed require them not to take up arms against the South?

A. It did not.

Q. Did you see the paper purporting to be issued by P. C. Wright?

A. I never saw the paper.

Q. Were you ever required, as a condition of your initiation in the order, or as a condition of your becoming a member of the grand council, to subscribe to any such doctrine as is enunciated in that paper?

A. I have never seen the paper at all.

Q. Then no paper purporting to be issued by Mr. Wright, signed "P. Caius Urbanus, S. C.," was ever made a test of your membership of that order, was it?

A. It never was.

Q. Was such a paper, to your knowledge, made a test of membership of any person in entering the order?

A. Not that I know of.

Q. Did you ever hear, in the order or out of it, that the order, as an order, had come out squarely for Jeff. Davis?

A. I never did.

Q. Did you ever hear from any member of the order, either in the order or out of it, as any of the purposes, objects, or desires of the order, that the order would rather be under Jeff. Davis than under any other ruler?

A. I did not.

Q. Were you present at a meeting after the arrest of Judge Morris, Mr. Walsh, and the other persons arrested on the 7th of November, at which Dr. Ayer was present, and when he was elected president of the new association?

A. I was.

Q. Did you see the obligation that was taken on that occasion?

A. I did.

Q. Did you take it?

A. I did.

Q. Did Dr. Ayer take it?

A. He did.

(Document shown to the witness.)

Q. Is that the obligation?

A. It is the obligation assumed by the members of this reorganization.

Q. Was it an oath taken by those persons?

A. It was.

Q. Who else took that oath that you recollect?

A. Felton, Alexander, Semmes, Strawn, and others whose names I forget; there were nine of us.

Q. Where did that meeting take place?

A. In my office, at 87 Washington street, between Clark and Dearborn, in the rear room.

Q. Was any proposition made by Dr. Ayer as to what should be done for the release of Mr. Walsh or Judge Morris?

A. I think not at that meeting; it was at a meeting in Dr. Ayer's office.

Q. Did you tell Ayer at that meeting that arms were secreted in fourteen or fifteen different places in the city, and that it was very lucky the authorities had not got wind of it?

A. I did not.

Q. Was there any such thing to your knowledge that you ever conveyed to Dr. Ayer?

A. There was not; and I never told Dr. Ayer so on any occasion.

Q. Were you elected as a member of the grand council by the lodge?

A. I was not; I met Judge Morris one day, and he asked me if I would like to become a member of the grand council; he took me there and vouched for me, and administered the obligation. I had no vote in the grand council, and was just entitled to a seat.

Q. Did you ever hear Judge Morris in any of his speeches use any opprobrious language towards the President of the United States personally?

A. I do not know that I ever did.

Q. Did you ever hear him call Mr. Lincoln Abraham the First?

A. I never did.

Q. Did you never hear him call him a usurper?

A. I never did; I have heard him speak of the President's usurpations of power, in the suspension of the writ of *habeas corpus*, arbitrary arrests, the proclamation of emancipation, and the suppression of newspapers; it was in that connection that the word usurpation was used, as far as I ever heard it.

Q. Did you, in the conversation with Dr. Ayer, when the conversation was "on the square," state that you were aware that he was not a member of the grand council?

A. I do not think I did; I have no recollection of making such a statement.

Q. State when that meeting was, and what Dr. Ayer proposed to do at the meeting you refer to.

A. I think it was in his office, and he and Strawn proposed—I am not positive which first proposed, but they proposed to send twenty men out to some station on roads running from Chicago in case the prisoners should be taken away, to release these prisoners. Strawn proposed that we have horses and men stationed along, so as to be sure of carrying them away with despatch. Dr. Ayer proposed to give the best of his three horses to forward the enterprise. The proposition was opposed by all save Ayer and Strawn, and there never was anything done.

Q. Had you any opportunity, from your connection with the order, to know who was the officer called brigadier general?

A. Strawn told me that he was elected brigadier general, and afterward he told me that Walsh was.

Q. Did you ever hear from anybody but Strawn that Walsh was a brigadier general in that order?

A. Not that I remember.

Q. Have you any official knowledge, from your connection with the order, that any such office was ever conferred upon Mr. Walsh?

A. I have not.

(The oath was here offered in evidence, marked Q Q, hereto attached and made part of record.)

Q. Do you say that this obligation was taken by Ayer with his hand upon the Holy Bible?

A. It was.

Q. Do you know a member of the order by the name of Alexander?

A. I do.

Q. Was he ever a member of the grand council?

A. I believe not; he never was to my knowledge.

Q. Did you ever hear anything said in the order about an uprising of the people about the time of the Chicago convention?

A. No, sir; I have heard this, that it was feared that there might be an interference with our convention at Chicago, and in that case it was our intention to resist any interference with our designs.

Q. Was there ever any action of the order as to the uprising of the people about the 15th of August?

A. Not to my knowledge.

Q. Were the members of the order armed and drilled?

A. They were not, to my knowledge; I never drilled.

Q. Was this order drilled and under the orders of Brigadier General Walsh, and pledged to obey his orders?

A. Not to my knowledge; a great many of them, I presume, had arms.

Q. Did you ever hear that the reason assigned in the order why this insurrection did not take place on the 15th of August was in consequence of the relative position of Grant's and Lee's armies?

A. I never did.

Q. Did you ever subscribe one dollar towards the purchase of arms?

A. Never one cent.

Q. Were you ever advised by any member of the order, about the time of the arrest of Walsh, to get out of the way?

A. I do not think I was; I do not remember it.

Cross-examined by the JUDGE ADVOCATE.

Q. How many meetings of the order did you attend from May to the 8th of November?

A. I attended almost all.

Q. Did you hear nearly all that was said and see all that was done in the order during that period?

A. I think I did.

Q. When you have been asked these questions as to anything, have you told all that you know about those matters?

A. I think I have.

Q. State how often you heard Doolittle speak.

A. I heard him speak three or four times, perhaps more.

Q. Did you say that whenever he spoke you left the lodge?

A. After hearing him several times, I generally got up and left, as I considered him a bore. That was the ground upon which I left. He was not interesting; he was extravagant, and made a nuisance of himself generally.

Q. What was the character of the remarks he made that were extravagant?

A. He would talk a great deal about the usurpations of the administration; he was in favor of fighting, and in favor of arming, and all such talk as that.

Q. Anything further than that?

A. No, sir.

Q. Did you ever hear a speech of Doolittle in which he spoke about Camp Douglas?

A. I have an indistinct idea; I think he spoke about the defence being very weak, and in case of necessity we could get the prisoners out. It was in connection with interference with the rights of citizens, and it was, in case it became necessary to defend ourselves, we might release the prisoners.

Q. Was the purport of that remark that those in the camp would help you in case it became necessary?

A. Yes, sir.

Q. How many did he state there were?

A. I do not remember that he stated the number.

Q. Was any number mentioned?

A. I cannot say ; I do not remember.

Q. Did you see a plan of the camp exhibited at any time in the Sons of Liberty ?

A. I never did.

Q. Did you ever hear any one explain the position of the gates, the camps, and the sentinels ?

A. I never did to my knowledge ; I left before Doolittle finished his speech.

Q. Were you present at the meeting when a committee was appointed after one of Doolittle's speeches ?

A. I think I was not.

Q. With reference to the interview as to Hull being disposed of, was Mr. Rock present ?

A. He was.

Q. Was the subject under discussion to put Hull out of the way ?

A. Only some remarks that a man of that style was not fit to live.

Q. What was the peculiar style that rendered him so obnoxious ?

A. It was said he had exposed the secrets.

Q. Who said that would get him out of the way ?

A. No one. Mr. Rock I believe proposed to pay him hush-money ; that is, to get him out of the way.

Q. Was not that Mr. Strawn ?

A. I think Mr. Rock proposed that.

Q. Was it not understood in the order that if any one revealed the secrets, death was the penalty ?

A. No, sir.

Q. How was it, then, that they so unanimously agreed, Hull having revealed the secrets, that he must not live ?

A. They dissented from his being killed. I said it would be foolish as well as wrong ; that if we took him and killed him, Colonel Sweet would take two of us and kill us.

Q. Then it became a matter of policy, did it, not to kill him ?

A. No, sir. I said, besides being foolish and wrong, that he would undoubtedly take two of us and kill for Hull.

Q. Who was the first person that suggested he ought to die for revealing the secrets of the order ?

A. I do not know.

Q. With reference to the conversation "on the square," please state what was said on that occasion.

A. As we came down stairs, Dr. Ayer halted me and asked if I knew there was to be a fight ; he asked if I supposed there would be one ; I said I thought not. He asked me what I thought in regard to the election, as to whether there would be any trouble ; I said there would not unless our rights were interfered with. I then told him, on the square, that I thought there would be arms enough to distribute among democrats in case they were interfered with at the polls ; that is all I remember.

Q. Where were those arms ?

A. I do not know.

Q. To what arms did you refer ?

A. I supposed they belonged to the order

Q. Where did you suppose they were ?

A. I did not suppose at all. I had no reason to suppose.

Q. Did you suppose all the members of the order were armed ?

A. Yes, sir.

Q. Where then could the arms be, if you supposed there were sufficient arms?

A. I supposed they were about the city or country somewhere.

Q. Did you intimate to him where they were?

A. I did not.

Q. Did you intimate that you knew there were sufficient arms for the purpose?

A. I did not.

Q. Have you detailed all the conversation?

A. Such as I recollect.

Q. Did you know there were members outside the city on whom you could rely?

A. I knew there were members in Illinois; I had heard it stated there were 80,000.

Q. Did you suppose, at the time you made this communication to Dr. Ayer that there were arms enough to defend them at the polls, that these 80,000 were armed?

A. I did not; I knew that there were many in Chicago that were not armed; outside of the city I did not know.

Q. Did you or not, know that Geary was instrumental in distributing arms to the order?

A. I did.

Q. Where did he get the money?

A. I do not know.

Q. Do you know that he did distribute arms to the order?

A. I understood that he distributed some half dozen arms; I know of his distributing three.

Q. Did you know that it was understood in the order that if any one wanted arms he could furnish them?

A. No, sir; I did not.

Q. Did you know from any member of the order that he had arms?

A. Strawn told me that he had arms, and had lent him one, and that he was to return it after the election.

Q. Did any one else tell you that Geary was an agent in the distribution of arms?

A. I do not remember any one else saying so.

Q. Did you call upon Geary about this matter?

A. Yes, sir; he gave me a revolver.

Q. Did he tell you that he had arms for others who needed them?

A. No, sir.

Q. Did he say anything to the contrary—that he had no more?

A. No, sir.

Q. Where did you get the pistol from Geary?

A. I went with Geary; Strawn suggested that I should go up and get one. I went in the evening about eight or half-past eight o'clock. The arms were brought into the street.

Q. How was it you received your arms in the street and others went into the house to receive theirs?

A. Geary said he would go and get them and give them to us; we walked along, and finally he returned to us and gave us the arms.

Q. Did he give them to you both together?

A. Yes, sir.

Q. Who was the other man with you?

A. Mr. Tilley, who also got his arms.

Q. How many were in the company who started to get arms?

A. Tilley, Strawn, Semmes, and Geary.

Q. Did Strawn separate from you when you got your arms?

A. Yes, sir; we separated on the street, and got our arms at different places.

Q. Did you see the others get their arms?

A. No, sir.

Q. Did you get as far as the house?

A. No, sir.

Q. When you separated from the others were they still going ahead?

A. Yes, sir.

Q. Was it by a preconcerted arrangement that you were not to be seen together, and that the arms were to be given as you walked along, not to attract attention?

A. I cannot say that I heard any conversation referring to that.

Q. Did you mean to say that this concert of action did not take place?

A. I knew nothing of it. To the best of my recollection no such conversation with a member took place.

Q. What induced you to be laggard and not keep up with the others, that you went by one street and the others went by another?

A. I know we separated.

Q. Was it not a preconcerted arrangement?

A. No, sir; we went as we separated.

Q. Do you know of Geary having other arms?

A. I heard there were others. I did not know of the existence of any, but I had heard from members of the order that there were arms, and I supposed there were.

Q. Where did you understand they were?

A. I did not know.

Q. How many did you understand there were?

A. I never heard the number stated.

Q. Did you hear this in the order?

A. I heard there were arms to be distributed in the order for those who wanted them.

Q. Do you know of any money raised at that informal meeting for the purpose of paying for arms?

A. I do not.

Q. Do you know of Geary receiving money for any purpose?

A. I do not.

Q. Do you know whether Geary furnished uniforms or change of clothing by virtue of any arrangement with the order?

A. I do not.

Q. Did you ever hear anything of that in the order?

A. I never did.

Q. No conversations with reference to any supplies to escaped prisoners by any members of the order?

A. No, sir; never at all.

Q. When Judge Morris made his speech as to "giving the abolitionists hell," &c., were there any other remarks equally severe?

A. I remember his having made use of that expression, and it was a frequent one with him, though I thought it very ridiculous.

Q. Did he on that occasion say that as soon as the uprising came, as "sure as there was a God in heaven, or an abolitionist in hell, they would have their rights?"

A. Not that I remember.

Q. Did he, in that speech, make any allusion to the attempted uprising?

A. He only spoke of an uprising in case of the interference at the election; that we were to have an uprising and a fight.

- Q. What did he say would result ?
 A. He did not say.
- Q. Who did he say was to interfere with the election ?
 A. The abolitionists.
- Q. Anybody else ?
 A. Perhaps the soldiers through their instrumentality or under their guidance or instruction ; I mean the military at Chicago.
- Q. Then those were the parties you were to oppose, were they ?
 A. We were to resist those who would interfere with us at the polls.
- Q. Was that the object for which you armed yourselves ?
 A. It was from personal violence and from interference at the polls.
- Q. Who were to be the judges in that matter ?
 A. I suppose we were to be our own judges. My idea was that in case they prevented us from voting *then we should have a time*.
- Q. By that you mean that you would resist the violence and fight ; do you ?
 A. Yes, sir ; if they should attempt to interfere with our voting we were to fight, and we were to be the judges.
- Q. Was not this a very severe speech that Judge Morris made ; was it not quite ultra and extravagant ?
 A. He may have used extravagant language, but as regards disobedience to the laws or Constitution he said nothing in any way against them ; there was nothing in his speech that way.
- Q. Did he speak in that speech of usurpation ?
 A. He did.
- Q. Did he speak of the officers of the government as having usurped powers ?
 A. He did.
- Q. Did he say the rights of the people had been trampled upon ?
 A. He did.
- Q. Did he say that these things would not always be tolerated ?
 A. He did.
- Q. Did he say that when the uprising came they would take the law in their own hands ?
 A. No, sir.
- Q. Did he say that in the event of any trouble they would take the law in their own hands and execute them ?
 A. No, sir ; he did not.
- Q. Did he say anything at all about executing the laws ?
 A. No, sir ; but he did speak of usurpation, and of many of their rights being taken away from them.
- Q. And that many of the officers had exercised usurped powers ?
 A. Yes, sir ; he might have made use of expressions of like tenor.
- Q. Was it in respect to those ultra sentiments that Dr. Ayer said he coincided with him ?
 A. I do not know. It was at the end of the speech that he said he coincided with it.
- Q. Did you suppose that Dr. Ayer was a real Son of Liberty ?
 A. Not until after his arrest.
- Q. Did you ever surmise that he ever attempted to find out what was going on in the meetings ?
 A. He was present at every meeting, and I presume he was trying to find out all about the order.
- Q. When Judge Morris made this speech, did he not listen with a great deal of attention and afterwards say that he was satisfied with what he heard ?
 A. He got up and said the sentiments he heard were perfectly satisfactory
- Q. Did he ask for an explanation ?

A. There had been one asked for, as I understood. Some of the members had some doubts as to the intention of the organization; some had doubts, I suppose, as to the objects of the order, and they wanted to find out what were its objects. Judge Morris explained them in his speech, and they seemed to be satisfactory to all present.

Q. Did Judge Morris say that in case of interference there would be a time, and that they would send their opponents to hell in a hand-basket?

A. I think not, though I have heard of his making use of that expression.

Q. Do you remember that Judge Morris made a speech in which he spoke of a man named Gray being abducted from his home, and that they had burned the houses of Union people in consequence, and that he hoped the same spirit would be exhibited in Chicago?

A. Not that I remember.

Q. Did he ever refer to what had taken place in southern Illinois, and hope that the same spirit would be manifested in Chicago?

A. No, sir.

Q. Did you ever hear a member explain how the Coles county murders were effected?

A. I heard a speaker—McLane, I think—a member of the order, speak about it; he was from another lodge, I think, in southern Illinois; he said he lived there, and he explained all about the fight there.

Q. In that explanation as to that fight did he explain how, when they went to their meeting, the Sons of Liberty carried their guns in the bottoms of their wagons if there was a disturbance?

A. I think he said that when they went to Paris they went with their guns in their wagons, and he said the abolitionists had got the worst of it in that fight.

The commission adjourned to meet on Saturday, April 1, at 11 o'clock a. m.

COURT-ROOM, CINCINNATI, OHIO,

April 1, 1864—11 o'clock a. m.

The commission met pursuant to adjournment. All the members present except Colonel Benjamin Spooner; also present the judge advocate and the assistant counsel, the accused and their counsel.

The proceedings were read and approved.

S. C. JUDD, a witness for the accused, was then introduced, and being duly sworn by the judge advocate, testified as follows:

By T. W. BARTLEY, esq., counsel for accused:

Q. State your name, residence, and occupation.

A. S. Corning Judd; I reside in Lewistown, Illinois; and am a lawyer.

Q. Do you know of the existence, in the State of Illinois, of an organization known as the Sons of Liberty?

A. I do know of the existence of such an organization, but I desire to state, in personal explanation—

(The judge advocate objecting to any merely personal explanation, the court was cleared. On reopening the court, the judge advocate announced that the objection was sustained, and that the witness, after answering the question directly, would at the close of the examination be allowed an opportunity for personal explanation.)

The witness continued: Up to the month of March, 1864, I held the position of grand commander in the State of Illinois—that is, the presiding or chief

officer in the State—and I was the presiding officer of the grand council of the organization in the State.

Q. State whether you ever knew or heard of any object or purpose of the order being the release of the prisoners at Camp Douglas?

A. Emphatically, sir, I never did.

Q. Or of the establishment of a northwestern confederacy as one of the objects of the order?

A. I never did.

Q. Was it one of the purposes of the order to resist the United States authorities?

A. It never was.

Q. Did you ever hear that it was one of the objects of the order to assist the southern rebels in arms against the government?

A. On the contrary, I know that such was not the object of the order. Before joining the order I made special inquiries as to the objects and purposes of the order, and I received the emphatic answer that there was no illegal purpose contemplated; and my experience has proved the correctness of the declarations then made. From June of 1863, when the grand council of Illinois was organized, I have attended every meeting that has been held since, and had such a purpose been contemplated, it would have been utterly impossible but that I should have known it.

Q. When did you first become acquainted with the order?

A. Immediately after a large meeting of the democracy of Illinois, held at Springfield on the 17th of June, 1863.

Q. State what were the objects and purposes of this organization.

A. One of the principal objects I had in going into it was to gain an influence over what I and others regarded as dangerous organizations made up of democrats. There were, I understood, organizations of the Knights of the Golden Circle, having only local heads, and under the guidance of dangerous men, and liable at any time to outbreaks. I and others thought it to be our duty, as far as possible, to restrain the managers of these various institutions by organizing them into a State institution having a legislative head, and, to an extent, a national head. We thought that by swallowing up these small and local organizations we could possibly get to control them. Another object was to place ourselves in antagonism to the so-called Loyal League, which we had reason to believe was an armed and drilled organization. We had reason to believe that democrats were to be disarmed in detail, that indiscriminate arrests were to be made, that democratic newspapers would be suppressed; and an object in the organization of the order was to protect and assert our own rights under the Constitution and laws to bear arms for personal liberty. It was thought advisable to go into an organization, to make such preparation as we could not well make without being organized into a secret institution or order. The organization, however, contemplated nothing beyond a strictly defensive opposition on the part of the members under the Constitution and laws. This order was also intended as an auxiliary to the democratic party, but not to assume any control of that party.

Q. Was it one of the objects of the order to attain and preserve freedom of election?

A. It was; and not to resort to force of arms till the freedom of election was stricken down; and I should add that the objects and principles I have enumerated were those of the members of the order generally, and were recognized as the objects and principles of the orders as an order. (See B 1.)

Q. Had subordinate lodges or Temples any power, jurisdiction, or authority to engage in and implicate the order in any of the treasonable or unlawful objects I have mentioned?

A. None whatever, and if the members did engage in any such objects they

violated their oaths; my uniform directions were not to permit of any violations or outbreaks whatever.

Q. Was the jurisdiction exercised by the supreme authorities of the order to be only strictly lawful commands?

A. They were to be such, and such only. The Constitution of the United States and the supreme laws of the land were regarded as the fundamental basis of the organization; and if you have the declaration of principles, you will find that the Constitution of the United States is the basis upon which everything else works, and it was to defend this basis that that order was organized.

Q. And were all the orders of the officers, as such command could be consistently, given to that end?

A. Yes, sir.

Q. Did ever such a contingency arise as to require a resort to arms?

A. No, sir.

Q. Did the order ever take any action in that direction?

A. No, sir.

Q. Was there any contemplation of resorting to force while the ballot-box remained?

A. Never, sir; that was the unanimous view of the order, except perhaps of some few wild men who I know were very rash in their expressions; but the bulk of the order held to that view as the recognized principle and object of the order.

Q. Do you know Christopher C. Strawn?

A. I do.

Q. Did you ever have any intercourse with him?

A. Very little, sir, except upon one occasion.

Q. State what that was.

A. After the newspapers had revealed what was said about the attempted release of the prisoners at Camp Douglas, and after Mr. Walsh and Judge Morris had been arrested, Strawn came to me in my office in St. Louis, and said he had been deputed, I think, by the order in Chicago, to come to me for assistance in regard to rescuing these gentlemen who had been arrested, that I might use the power I held in my hands to accomplish the matter; I replied, in substance, as follows: "Sir, if those gentlemen have been guilty of what they are charged with they are guilty of a high crime, and if I had the power to aid them they should have no assistance from me. I have no desire to assist them if they have committed that crime, and they are amenable to the laws. But if I had the desire, I have not the power, for the reason that the order, as I understand, has long been abandoned; and if your order has been kept up in Chicago, it has been in opposition to the State organization, and I can render you no assistance." Mr. Strawn complained that it was a hardship that those men should be allowed to suffer. I told him if they were guilty I had nothing to say; that they would have their trial, and that it was beyond my power to afford them any assistance, especially forcibly, as I would be interfering with the laws and authority of the federal government. He seemed very much vexed, and then left me. After this interview a despatch came to my house addressed to some one in my care; I could not make out the name, and it struck me that the despatch might have been intended for him, and I declined to receive it. He went to the office and got a despatch signed "A. Winston Ayer," a gentleman I had never heard of till that time.

Q. What was the tenor of that despatch?

A. I think I saw the despatch, and we talked about the contents; it was about drawing money to the amount of ten dollars to pay his expenses, in addition to what he already had. I supposed he intended to get the money out of me, but I determined he should not have it from me; I, however, went to the bank with him and introduced him as Mr. Strawn, of Chicago, and I believe he

got the money on the despatch from Dr. Ayer; I believe I saw it paid him at the bank.

Q. About what time did the order cease to exist, and for what reason were its operations suspended?

A. The great reason for its dissolution at that time was, that from the exposure made through the papers as to the intents and objects of the order in Missouri and Indiana, we thought that in those States it had got into the hands of bad men, who were trying to use the organization for bad purposes, and to assist the southern confederacy, and as we thought that whatever odium might attach to the order in those States would also attach to our organization, we considered it better to drop it quietly, and there was no meeting of the grand council subsequent to March, 1864. There were two or three efforts at meeting, but without success, one being on the 5th of July; since which there has been no attempt at meeting. If the local organizations or Temples kept up after that, it was without any connection with the State organization, and at their own risk. There was to have been a meeting, an adjourned meeting, from the 5th of July; we found, I believe, but two men there, and I know of no local organization that has met since that time, save from what I have seen in the newspapers of the meetings in Chicago.

Q. Were you present at Chicago since March, 1864?

A. I was present at two subsequent attempts, but at no regular meeting of the order.

Q. Do you remember being present at an informal meeting of the order at Windsor, when Vallandigham was present?

A. I do.

Q. Was there any proposition to use the order of Sons of Liberty for any improper purpose?

A. I went to Windsor to consult with Mr. Vallandigham, who was supreme commander, as to what was to be done in the order. There were two grand commanders besides myself; the other grand commanders had not been informed, I suppose, or they would possibly have been present. We were seated in a sort of semicircle, Mr. Vallandigham in front; he requested an expression of our views and the prospects of the order in the different States. Mr. McMasters made his statement, and I made mine, giving, among other things, the number of the order in my State. Lastly, Mr. Hunt, of Missouri, reported. He gave the number of the order in his State, and then stated emphatically that he refused, and the order in Missouri refused, to recognize the change that had been made, or that was reported to have been made, in the ritual of the organization; he insisted that his organization in Missouri should remain as the order of American Knights, and in that connection he went on to state that either he or the order in his State, or both, were in favor of giving aid and comfort to the confederates, but I do not remember in what way. Instantly Mr. Vallandigham rose to his feet, and gave Mr. Hunt such a castigation as I never heard given a man before; and he said that if the order had anything of that kind in view he would have nothing to do with it, and that neither they nor the northwest would be used as the tail to Jeff. Davis's kite.

Q. As grand commander of the State of Illinois, do you know of any military organization whatever in connection with the order?

A. I never did; I always understood there was no military organization. It was understood that in the event of things going to extremes there should be no outbreak, even should a whole State agree to it; that there should be a general meeting of the States, and that if an outbreak were permitted it would be in violation of the orders of the supreme commander, as well as of the commanders of the States.

Q. Was there any such doctrine inculcated among the members of the order as the right of a State to secede from the Union?

A. There was occasionally an individual in the order that held that doctrine, but according to the best information I have there was not one member out of a hundred, or perhaps out of five hundred, that held that doctrine.

Q. Then it was not recognized as a principle of the order, was it?

A. No, sir, it was not; the only one I remember was Mr. McMasters, of New York.

Q. Was ever any such question as that mooted in the order? If so, with what result?

A. I do not remember exactly, but I know there was some discussion in which McMasters took the affirmative, and others, including myself, took the negative; and I then and there announced that if the order adopted any principles which recognized in any degree the right of secession, I should withdraw instantly. After some discussion the matter was abandoned, and afterwards never referred to.

Cross-examination:

By the JUDGE ADVOCATE:

Q. Was that a meeting in Windsor in which Vallandigham was present?

A. No, sir; it was in Chicago; I think it was in February, 1864.

Q. At that meeting with Vallandigham when five grand commanders were present, did not Mr. Hunt express the same views?

A. I think it possible that Mr. Hunt might have expressed such views.

Q. Then in certain emergencies he was willing to help the southern confederacy?

A. Yes, sir; but only so far as Missouri was concerned.

Q. Did Dodd or Massey express themselves on that point?

A. No, sir.

Q. Were you present at the meeting on the 20th of July in Chicago?

A. No, sir.

Q. Do you say that the reason why the order was suffered to die was that your anticipation of arbitrary arrests, suppression of newspapers, &c., was not fully realized?

A. Yes, sir; and another point was that the Union League had not so much vitality. I had, myself, no particular fears that the election would be interfered with, though the more radical believed otherwise; but the chief reason was our hearing that the organization was being used in Indiana and Missouri for improper purposes.

Q. Did you ever organize again after you consented that it should die out?

A. No, sir; and it has continued quiet to the present day.

Q. Was it about March that you came to this general consent to let the thing die out?

A. It was after the exposure of the designs of the order in Indiana and Missouri.

Q. Then if they met afterwards and carried out any of the designs with which they are charged, it was illegal, was it?

A. It was in direct violation to their oaths, and to the rules of the order.

Q. It having been consented that the matter should quietly subside, did they not do it upon their own responsibility?

A. Yes, sir, as individuals, and not representing the order of the Sons of Liberty.

Q. Do you know whether or not the same class of men that led the order into trouble in Indiana and Missouri continued in the order, and continued to carry out their designs?

A. I cannot speak from my own knowledge. There was a very large organization outside of the city of Chicago, but there was no confidence placed in the order in Chicago, because some of the gentlemen seemed to be regarded as of no importance, and to be radical and extreme men, and were understood to

be persons of no character, but there were a few who were recognized as persons of respectability. It was known that there were cliques and jealousy in the city of Chicago, and we were disposed to give them the go by, except a few in whom we had confidence.

Q. Was there ever any official action taken declaring the order deceased?

A. No, sir; not that I know of.

Q. Do you know anything of the destruction of the records in Chicago?

A. No, sir.

Q. Who were some of the rash men you can name in Chicago?

A. One man by the name of Doolittle was considered by everybody to be a silly, rash, and visionary man. He was not only rash, but so offensive in the order that none of his propositions were entertained with any respect. And while I knew nothing of Strawn, I thought him a character not suited to his position, partly on account of his youth, as well as for other reasons; he seemed to have no well digested ideas, and to be rash rather than otherwise.

Q. Did you ever hear him in any of these speeches refer to Camp Douglas?

A. I never did, from him or any one else.

Q. Were you ever in the grand council of the order when an appointment was made for the 20th of July?

A. I was not.

Q. Do you know of any meeting called for the 20th of July?

A. No, sir; nor about that time.

Q. Was there any meeting of the leaders without or with a meeting of the order about that time?

A. Not to my knowledge.

Q. Do you know of any meeting in Chicago when Dodd, Barrett, Milligan, and Bowles were present?

A. Not of the order. I was invited to go to the Richmond House to have a little consultation, but this was no meeting of the order. This was shortly after the nomination.

Q. How many did you understand the order numbered in Illinois?

A. I think the number footed up about 20,000, and I think it is likely there were more rather than less.

By ROBERT HERVEY, esq.:

Q. You have been asked about men in Chicago in whom you have confidence; was Judge Morris regarded by you as one of that class?

A. He was one of the counsellors in whom I had great, I may say implicit, confidence. He may have been regarded as somewhat harsh in some of his speeches, but he was well meaning, and there never was anything in violation of the law.

By the JUDGE ADVOCATE:

Q. Was Vallandigham a gentleman in whom you had great confidence?

A. I regarded him as rather a conservative man, from his speeches in Congress and on the stump, and from this private interview in Canada West I had great confidence in his conservativeness.

By ROBERT HERVEY, esq.:

Q. Have you ever seen a document which purports to have been issued by the former supreme commander of the name of Wright?

A. I have seen it, and I have heard it read in the grand council.

Q. Was it a document of any binding force in the order of Sons of Liberty?

A. No, sir; it was laughed at, and scoffed at, in the order; it was not a document of an official nature.

By the JUDGE ADVOCATE:

Q. Was Walsh ever appointed a brigadier general in the order?

A. Mr. Walsh was appointed, I ought not perhaps to say brigadier general,

but he was appointed a sort of canvasser with the title of brigadier general. There was no military organization in Cook county. Mr. Strawn had occupied the position of canvasser, and I would not appoint him brigadier general. I was requested to appoint Strawn for this purpose, and I gave him a paper to say he was appointed a canvasser. His successor was Mr. Walsh, but Mr. Walsh was appointed with this title, which Strawn had not; but by the resolution of the grand council it was regarded as a mere agency of the order for the purpose of furthering its interests and getting suitable persons into the organization, and not an officer to take charge of the military, because we had none.

By Judge WILSON :

Q. Did Mr. Walsh perform any duties in that connection ?

A. No, sir.

(The witness here requested permission to make an explanation, lest he should be considered inconsistent with the obligation he had assumed, and stated that the order had been misconstrued and falsified ; in consequence, that he had taken an oath not to reveal the name of the order, but as that had been given by a large number of witnesses, he considered himself relieved from that oath.)

Q. Was Mr. Amos Green a major general in this order ?

A. He was.

(A letter signed John M. Scudder was put in evidence by the accused, said letter, marked Defendant's Exhibit, hereto attached and made part of this record, the judge advocate having admitted that the gentleman would swear to the same facts were he on the stand.)

The counsel on behalf of the accused, Judge Morris, Charles Walsh, and G. St. Leger Grenfel, here announced that their testimony was closed.

The commission then adjourned to meet on Monday April 3, 1865, at 11 o'clock a. m.

COURT-ROOM, CINCINNATI,

April 3, 1865—11 o'clock a. m.

The commission met pursuant to adjournment. All the members present ; also the judge advocate and the assistant counsel, the accused and their counsel.

The proceedings were read and approved. Colonel Benjamin Spooner appeared in court and took his seat upon the commission with the consent of all the accused, on having first read the testimony taken during his absence.

WILLIAM O. FINCH, a witness for the government, was introduced, and being duly sworn by the judge advocate, testified as follows :

By the JUDGE ADVOCATE :

Q. State your name and rank.

A. William O. Finch, private, company D, fifteenth, reserve corps.

Q. State your position and how you were stationed on the 6th, 7th, and 8th of November, more especially where you were on the evening of the 6th.

A. On the evening of the 6th I was with the guard at the residence of the accused, Charles Walsh ; I was sergeant of the guard.

Q. State whether or not you were at the door when admittance was asked.

A. I was ; and when the door was opened I entered the house with Colonel Skinner, Captain Sponnable, Captain Phillippateaux, and five or six of the guards were with us.

Q. Who opened the door ?

A. Mr. Walsh.

Q. Who responded at the door before it was opened ?

A. The first voice I heard I took to be a woman's voice.

Q. State whether or not you were with Captain Phillippateaux when he made search of the house.

A. I was, and shared all the time in all of it ; I was in the upper and lower rooms ; I was also in the parlors, and in the room back of the parlors, also in the front room up stairs.

Q. When you left the parlor did you leave any men below as guards ?

A. I did. There was one at the front door in the small room ; on the north side of the house there were two more ; in this room there were arms ; there was also a guard outside the house.

Q. Do you mean the front door of the house ?

A. Yes, sir.

Q. State whether or not there was a guard at the front parlor.

A. I do not think there was ; I do not recollect.

Q. Was there any guard between the two parlors at the door leading from one to the other ?

A. I do not remember.

Q. Were there any other guards in the house except at the front door and about a little side room ?

A. Yes, sir ; and one above.

Q. Did Captain Phillippateaux remain down stairs or did you go up stairs with him ?

A. I went up stairs with him.

Q. Were any of the ladies present ?

A. Yes, sir ; they were the inmates of the house, though I could not name them.

Q. When Captain Phillippateaux left you where did he go ?

A. Back to camp.

Q. When you were with Captain Phillippateaux, did you make use of any language in any way insulting to the ladies of the house ?

A. I did not.

Q. Did you hear what was said by him to the ladies ?

A. I heard some remarks made, and I recollect Captain Phillippateaux remarking that it was a painful thing he had to go through with, and there should not be any one in the house molested in any way, and they need not be affrightened. This was said to the ladies.

Q. Did you see Captain Phillippateaux when he left the house ?

A. I did.

Q. Did you hear all that was said and done ?

A. I did.

Q. State whether anything was said by the captain at leaving, that was in any way insulting or disrespectful to the ladies.

A. It was not.

Q. Was anything said of this character by any one of the soldiers : " You had better go up and get a kiss or kisses from the ladies as mementoes to remember the ladies by ? "

A. There was not any such word, and nothing of that import.

Q. Was anything said that was in any manner insulting ?

A. Nothing at all.

Q. State whether in the front room up stairs you found anything upon the sofa.

A. We did ; saucers with cartridges in them.

Q. Do you remember how many ?

A. I do not.

Q. What else did you find in the room ?

A. Pistols, some short guns, and cartridges.

Q. Anything else ?

- A. I do not remember.
- Q. Did you see any clothes pins ?
- A. I could not say.
- Q. Did you see any sticks of wood of any character ?
- A. I did.
- Q. Were they large or small ?
- A. They were small and circular.
- Q. Were they long or short ?
- A. They were short.
- Q. Did you see the sofa in that room upon which the piece of jewelry was afterwards found ?
- A. I saw the sofa, but no jewelry.
- Q. Were there any soldiers left in the parlor when you went up stairs with Captain Phillippateaux ?
- A. There were none.
- Q. What were the instructions left with the guards that you left at the front door ?
- A. Not to allow any person to pass out.
- Q. Was there any request made by you for a room or fire when the guard was there ?
- A. There was.
- Q. What was the conversation with respect to that ?
- A. My orders after the colonel left were to allow no person to go in or out of the house, or to allow any of the guard to go in. It was about three or four in the morning, and very cold. The boys complained bitterly of the cold, and came to me and got me to ask permission for them to go into the kitchen. I knocked at the front door and two girls came, and I asked them if they would allow me to occupy the kitchen. They went away, but afterwards came back and said they would, and I assured them nothing should be touched. Next morning at daylight they left.
- Q. Was the conversation between you and one of the ladies ?
- A. It was.
- Q. Who was in possession of the whole house at that time ?
- A. Mrs. Walsh, I suppose.
- Q. When you asked for a fire and were refused, did you say that if permission was not granted you would make one in the hall ?
- A. No, sir.
- Q. Were any threats made by you or by any one in your hearing ?
- A. No, sir.
- Q. Was any furniture injured or broken in any way so far as you knew ?
- A. No, sir.
- Q. Was the piano injured in any way by you or any one in your command ?
- A. No, sir; not at all.
- Q. Was any search made in the piano that you knew of ?
- A. Not after the colonel left, and no search was made in the piano at all that I know.
- Q. What part of the time were you up stairs, and what time were you down stairs ?
- A. I suppose the time was about equally divided.
- Q. While you were down stairs, could the furniture have been injured and you not see it done ?
- A. No, sir.
- Cross-examination :
- By the accused :
- Q. Were you there when the house was first opened ?
- A. Yes, sir.

Q. How was Mr. Walsh dressed when you first saw him ?

A. He came to the door in his shirt sleeves, and he started up stairs immediately after, and I think he went up for his coat.

Q. Do you know whether or not some five or six persons went up stairs with him ?

A. He only went partly up stairs that I saw ; his coat was handed him on the stairs.

Q. Will you swear that you saw a woman give him his coat ?

A. I will ; it was one of the girls.

Q. Whereabouts on the stairs did he stand ?

A. About the fourth or fifth step as he was going up. He was going up three or four steps.

Q. Where was Captain Phillippateaux when you were not with him ?

A. He was in the building, in the different rooms, when he was not with me.

Q. Do you say you did not hear any profane language used ?

A. Not at all.

By the JUDGE ADVOCATE :

Q. So far as you heard was there any profane language used by any person in the house ?

A. There was not, of any character.

By Judge WILSON :

Q. Do you know all the different persons that went with you from the camp ?

A. I do.

Q. Name them ?

A. I could not name them. I recognized all of them when I saw them.

Q. Did you stop at any person's house before you got to Mr. Walsh's ?

A. We did, at the next house to Mr. Walsh's, north of his ; there were two large houses together.

HUGH McDONALD, a witness for the government, was then introduced, and, being duly sworn by the judge advocate, testified as follows :

By the JUDGE ADVOCATE :

Q. State your name, position in the United States service, and where you were located on the night of the 6th of November.

A. Hugh McDonald ; I am a private in the United States army, and was at Chicago, Illinois.

Q. Were you one of the guards that arrested Mr. Walsh on the night of the 6th of November ?

A. I was.

Q. Where were you stationed ?

A. I was in the house, and almost all through it.

Q. With whom did you enter the house ?

A. With Captain Phillippateaux, and went through the house with him.

Q. Were you with him all the time ?

A. I was not down the cellar, nor in the garret.

Q. Were you with him all the time he was with the ladies of the house ?

A. I was.

Q. State to the court whether or not, during the time Captain Phillippateaux was in the house, there was anything at any time said that was disrespectful or insulting to the ladies.

A. No, sir ; I heard nothing of the kind.

Q. Were you with the captain when he left the house ?

A. I stopped till morning.

Q. Did you hear him at parting say anything to the ladies, or to the soldiers, that was in any way insulting to the ladies ?

A. No, sir, I did not.

Q. Did you hear Captain Phillippateaux say to the soldiers that they had better go back and take some mementoes from the ladies—as a kiss ?

A. No, sir; no such thing was said in the house in my hearing.

Q. Could Captain Phillippateaux have said so and you not have heard it ?

A. No, sir.

Q. Were there any chairs in the parlor broken by Captain Phillippateaux, or by any soldier ?

A. No, sir.

Q. Was the piano injured in any way by the captain or the soldiers ?

A. No, sir.

Q. Were there any other soldiers in the parlor besides the captain ?

A. No, sir; there were no other soldiers in the parlor; I was guard at the door.

Q. Who made the examination of the chairs, sofa, and table in the parlor ?

A. Captain Phillippateaux.

Q. To what room up stairs did you go ?

A. To the front room.

Q. Did you find anything there ?

A. Yes, sir.

Q. Was there a sofa there ?

A. Yes, sir.

Q. Was anything found upon that sofa ?

A. I do not remember.

Q. Do you remember any article of jewelry being found there ?

A. No, sir.

Q. Did you see Mrs. Walsh up stairs in bed ?

A. Yes, sir.

Q. Was she at all roused, or did she get up ?

A. No, sir, she did not.

Q. Was anything found in the bed, or between the mattresses ?

A. I do not know.

Q. Was Mrs. Walsh treated in any way other than respectful ?

A. No, sir.

Cross-examination by the accused :

Q. Were you up stairs all the time the search was made ?

A. Yes, sir.

Q. Was any other search made to your knowledge up stairs ?

A. No, sir.

Q. How near were you ?

A. I could not say how near.

Q. Who took your place as guard down stairs when you went up ?

A. I do not know that any one did.

Q. How long did you stand guard ?

A. Perhaps not more than five minutes.

Q. How many soldiers do you say there were ?

A. I think there were twenty-four.

Q. How many were in the house ?

A. Five went in first with the captain.

Q. Do you know Mr. Finch ?

A. Yes, sir.

Q. Where was he ?

A. I think he was with the captain.

Q. Was he with him all the time ?

A. I could not say whether he was or not; I do not remember.

Q. Was he up stairs helping you make that search ?

A. Yes, sir.

- Q. Did he help make the search ?
A. I could not say ; he was not with the captain all the time.
Q. Was he with the captain all the time down stairs ?
A. No, sir ; he was not in the parlor all the time.
Q. Were you in the parlor ?
A. I was at the door between the sitting-room and the front parlor ?
Q. Did you see all that was done up stairs when Captain Phillippateaux was making the search ?
A. Yes, sir.
Q. Did you see any interference with the bed ?
A. He handled some of the quilts.
Q. Did he find anything ?
A. I did not see him find anything ; I was looking round the room.
Q. Do you know Miss Walsh ?
A. I do not know that I could recognize her.
Q. Did you call one of the young ladies from the back room to see what was being done to the piano ?
A. No, sir.
Q. Did you see the piano opened ?
A. Yes, sir ; Captain Phillippateaux raised the cover of it to search it.
Q. Was that when you first went into the parlor ?
A. I could not say.
Q. Was Mr. Finch there at the time ?
A. He was in the house, but not in the parlor, when Captain Phillippateaux raised the cover of the piano.
Q. Did you ever see this lady ?
(Counsel pointed to a lady—not Miss Walsh—present in court.)
A. I do not think I ever did.
Q. Could you tell any of the ladies you saw at Mr. Walsh's ?
A. I do not see any of them here now. There was one that had more to say than the other, and was the most active ; I think I should know her.
Q. How could you distinguish her ?
A. I saw her in camp afterwards.
Q. You saw everything was done in the most gentle way, did you ?
A. I saw nothing broken.
Q. Were you in the parlor all the time ?
A. The search was made in the parlor, before we went up stairs.
Q. While you were up stairs, might not something have been broken in the parlor before you came down, and you not see it ?
A. Yes, sir ; there might have been.
Q. Did Mr. Walsh go up stairs to dress ?
A. Yes, sir ; I think he did.
Q. Was there a guard with him ?
A. I think there was.
Q. Did you go up with him ?
A. No, sir.
Q. How many did go up with him ?
A. I do not know.
Q. How long were they gone ?
A. About five minutes.
Q. Had Mr. Walsh a coat on when he came down first ?
A. I do not know.
Q. Did he go up stairs at all ?
A. He did.

Re-examination :

By the JUDGE ADVOCATE :

Q. Did you see him go up the whole of the way ?

A. No, sir ; I saw him start.

Q. After you completed the search of the rooms, were the doors closed or left open ?

A. They were closed.

Q. Were any soldiers allowed to go into the rooms after they were searched ?

A. No, sir

Q. Did Captain Phillippateaux carry anything in his hand that would have enabled him to break the sofa and the piano ?

A. No, sir.

By Judge WILSON :

Q. Would it require a sledge-hammer to break the chairs ?

A. No, sir ; but he would not be likely to break them with his hands.

Q. Could not anybody break them with his hands, by knocking them on the floor ?

A. Yes, sir ; I suppose he could.

THOMAS CLINE, a witness for the government, was then introduced, and being duly sworn by the judge advocate, testified as follows :

By the JUDGE ADVOCATE :

Q. State your name, and where you were located on the 6th of November last.

A. Thomas Cline ; I am a private in the service, and was at Camp Douglas on the 6th of November. I was one of the guards that visited Mr. Walsh's house on the night of the 6th ; I entered the house, and went with Captain Phillippateaux through every room.

Q. Were you with him all the time ?

A. I was.

Q. Did you hear all that was said by him to the ladies of the house ?

A. I did.

Q. State whether, from his entering to his leaving, there was anything said by him, either to the ladies or the soldiers, that was insulting or disrespectful, or hurtful to the feelings, of the ladies ?

A. No, sir ; there was not.

Q. What was the character of the search made by him ; was it made in a gentle, respectful manner, or harshly and unpleasantly to the inmates ?

A. It was made as gently as a man could make it.

Q. Was anything said by Captain Phillippateaux to the soldiers as you were leaving, as that you should go back, and get some mementoes, or kisses, of the ladies ?

A. No, sir ; he did not say anything of the kind.

Q. Was anything of that import said ?

A. No, sir ; not a word.

Q. Who made the search in the parlor ?

A. Captain Phillippateaux.

Q. Were the chairs or pianos injured ?

A. No, sir.

Q. Were any chairs broken ?

A. No, sir.

Q. Was any ivory broken off the keys of the piano ?

A. No, sir.

Q. After you searched a room, did you leave it with a guard there ?

A. Yes, sir.

Q. Were the rooms closed, or left open, after the search ?

A. We did not lock them, but we shut the doors.

Q. Was there a guard left at the front door of the house?

A. I do not know.

Q. Was there at the front parlor?

A. Yes, sir.

Q. Who was it?

A. I do not know.

Q. What were the instructions to the guard, after the room had been examined?

A. Captain Phillippateaux told him that if any one came, he was to halt him, and keep him till he came.

Q. Did you go up stairs with the captain?

A. Yes, sir.

Q. What did you find, if anything, in the front room, besides pistols and cartridges in a box?

A. We found some bullet moulds and caps.

Q. Did you see a sofa?

A. Yes, sir.

Q. Did you find anything upon that sofa?

A. No, sir; I do not remember anything.

Q. Do you remember the circumstance of a piece of jewelry being found upon the sofa?

A. I remember there was something said about it, but I did not see it.

Q. If anything had been said by Captain Phillippateaux, that was other than respectful to the ladies, would you have heard it?

A. Yes, sir; had a word been said I should have heard it.

Q. Do you remember seeing Mrs. Walsh, a sick lady?

A. Yes, sir.

Q. Was she treated in any way other than respectfully?

A. No, sir.

Q. Was she dragged out of bed?

A. No, sir; she did not even sit up in the bed.

Cross-examination:

By the accused:

Q. Do you know Mr. Donald?

A. Yes, sir.

Q. Where was he all the time?

A. I do not know; I was not acquainted with any of the guards.

Q. Where was he when you went up stairs?

A. He might have been left at the door.

Q. Do you know whether he was up stairs with you and Captain Phillippateaux?

A. I cannot say whether he was one of those who went up or not.

Q. Where was he when you were examining the room below?

A. I do not know what post he had.

Q. Do you know Mr. Finch?

A. I know he belongs to the camp.

Q. Where was he during the search?

A. I cannot say where they were.

Q. Where was he during this time?

A. I cannot say in what place he was.

Q. Was he with you in the front part or below?

A. I was not acquainted with any of the boys, and do not remember who it was with me.

Q. Was that man in the room when you were making the search?

A. There were guards with us; I do not remember who.

Q. Was he or was he not with you up stairs?

A. I cannot tell who it was that was with me.

Q. How many were there with you?

A. Four.

Q. How many were with you in the front parlor?

A. I think there were some six or seven.

By the JUDGE ADVOCATE:

Q. Did any of those men, except Captain Phillippateaux have anything to do in making a search in the parlor?

A. No, sir.

By the COURT:

Q. Was there any profane language used to, or in the presence of, the ladies during the search?

A. No, sir, there was not.

The commission adjourned to meet on Wednesday, 4th, at 11 o'clock a. m.

COURT-ROOM, CINCINNATI, OHIO,

April 4, 1865—11 o'clock a. m.

The commission met pursuant to adjournment. All the members present; also the judge advocate and assistant counsel, the accused and their counsel.

The proceedings were read and approved.

T. W. Bartley, esq., and Robert Hervey, esq., of counsel for the accused, desiring each to address the commission on behalf of the accused, Buckner S. Morris, the court was cleared for deliberation.

On the court being reopened the judge advocate announced that the commission had decided that each of the accused would be permitted to submit an address to the court, oral or written, at the option of the accused.

Each of the accused was then asked by the judge advocate to designate who should represent him in the final hearing, and whether he preferred an oral or written argument.

The accused, G. St. Leger Grenfel, desired that Robert Hervey, esq., might present an oral argument in his behalf.

The accused, Charles Walsh, desired that Judge Wilson might present an oral argument in his behalf.

The accused, Buckner S. Morris, desired that T. W. Bartley, esq., might present an oral argument in his behalf; and in the event of the return to Cincinnati of E. G. Asay, esq., to address the commission in behalf of the accused, G. St. Leger Grenfel, he desired that Robert Hervey, esq., might present an oral argument in his behalf.

No witness being present, the commission adjourned to meet on Wednesday, April 5, at 11 o'clock a. m.

COURT-ROOM, CINCINNATI, OHIO,

April 5, 1865—11 o'clock a. m.

The commission met pursuant to adjournment. All the members present; also the judge advocate and assistant counsel, the accused and their counsel.

The proceedings were read and approved.

Captain Phillippateaux, a witness for the government, was then recalled and testified as follows:

By the JUDGE ADVOCATE:

Q. I believe you made the examination of the house of Mr. Walsh on the 6th of November, did you not?

A. I did. I made the search of the house by order of Colonel Sweet and Colonel Skinner. I was in charge of the party who made the search.

Q. Was any remark made during the evening to any one of the ladies of the house that could in any manner be construed into an insult?

A. No, sir.

Q. Was anything said to any lady of the house like "Boys, return and take some kisses from the ladies as mementoes?"

A. I said nothing of the kind.

Q. Was anything of that import said?

A. Nothing of the kind.

Q. Was the word *kiss* mentioned by you, or in your hearing, that evening?

A. No, sir, it was not; if it had been I should have known it. On the contrary, I used politeness, as I had been directed, to the greatest possible extent.

Q. When you were coming down the stairs, or at the foot of the stairs, what instructions did you give the guards in reference to any person passing out?

A. I gave instructions at the foot of the hall and in the room where I found the revolvers. Two guards were left at the front door; and I gave them instructions that if anything in the shape of breeches came through there to hold them till I came.

Q. Was anything said about petticoats?

A. No, sir, nothing of the kind. I said, "Allow no one to enter the room after making the search."

Q. What room did you search first?

A. The front parlor, and then the room directly in the rear, then the room leading from that to the rear.

Q. Was that room occupied?

A. No, sir; but the bed had been occupied. It was there I found the revolvers under the bed and piled by the window. I also found a few other articles—two or three cone-wrenches and a few cartridges loose in the drawer. All the revolvers piled under the window were loaded, and there were some 15 or 20 that were not loaded. I next searched the room or closet next the bedroom, where I found the bullet-moulds, the cone-wrenches, and also one square box full of boxes of caps; that was in the closet.

Q. Did you search the bedroom in which Mrs. Walsh was lying?

A. I did. As I came up stairs with my guard that was the first room I went into; and one of the ladies (I do not know her name) told me that she would give me her word as a lady that there was nothing in that room. I told her my orders were imperative; that I was sorry that I could not oblige her, but I must search the room. I searched the room, closet, and drawers myself, personally. She turned and said that her mother was lying sick, and the child lying by her; and I told her that her mother would not be disturbed. I looked under the bed, and passed my hands between the quilts, and there found the cartridge-paper similar to that which I found in the front room.

(A sample of the cartridge paper was here handed to the court.)

The sheets of paper I found in Mrs. Walsh's bedroom were similar paper to that here exhibited. The cartridges exhibited here I found in the front room on the sofa, with several pieces of guns not put together; they were found under the sofa as well as on top; they were not covered up; the cartridges were found in the wash-basins in the same front room.

Q. State whether Mrs. Walsh was disturbed in any manner, or any severity used towards her

A. I most positively swear that Mrs. Walsh was not disturbed. I was one of the last that left the house. I removed the guard at the request of the lady, who asked if they could have a room in which to dress themselves. I told her when I had removed the things I would withdraw the guard, and they could

occupy it. No interference was had with Mrs. Walsh, nor could it have taken place without my knowledge.

Q. Did you find any jewelry in the front room?

A. When I went to the room I first looked around it, and I saw the guns standing in the corner, and on the middle of the floor boxes of ammunition and bags of buckshot. I then examined the furniture, and looked in the washstand drawer; not finding anything there I shut the drawer. A Miss Walsh (I am not certain which) then came up and said she missed a piece of jewelry. I told her if it was in the room it would be found. Captain Sponnable also was in the room, and he told the guard not to let any one else come into the room. Miss Walsh then went to the sofa in a hurry and found a bracelet on it.

Q. Had there been any previous reference to that piece of jewelry?

A. No, sir, not a word had been spoken about it till she asked for it; and afterwards she went to the sofa and found it.

Q. Was there any search by the soldiers, on any occasion, by which it would be possible for them to take it and then replace it afterwards on the sofa?

A. No, sir; there was nothing of the kind. She herself made the search and found the article, and it was on the same sofa where the cartridges were found. There were two saucers, one with powder, and one with buckshot. There were pieces of cut paper, and clothes-pins that had been cut to wrap the cartridges on. I tried it myself and found it fitted the shot-guns. There were several of these clothes-pins, and some were whittled down to fit the guns.

Q. What do you know about the breaking of any furniture or the piano? Was any such thing done?

A. There was no furniture broken, to my knowledge, through the house. After the search down stairs the doors were closed and the guards placed. When the men who made the search down stairs came up stairs, guards were placed at the door, and no one was permitted to enter the room after that.

Q. Was any chair, sofa, or ivory from the piano broken while you were making the search?

A. There was not.

Q. Were the keys of the piano touched?

A. No, sir; they were not. I opened the lid of the piano, looked into it, and then closed it myself. The furniture was not moved or jarred.

Q. Do you know anything about the fences being broken by the soldiers?

A. I took down myself one bar—one piece of a plank where our carts came in to take the cartridges; that bar I took out myself, but it was not in the garden, but on the way to Mr. Walsh's house.

Q. Who came to the door first when you knocked?

A. The first who came to the door I took to be a lady from her voice, but I am positive that it was Mr. Walsh who opened the door. After we entered he went part of the way up stairs, and one of the ladies got his coat; and he did not afterwards go up to his room.

Q. Do you know anything about a fire being built to keep the soldiers warm?

A. I do not.

Q. Was any profane language used during that evening in the presence of the ladies?

A. No, sir; not in my hearing or by me.

Q. Did you use any language that could be construed into rudeness or insult?

A. Nothing of the kind. On account of the orders from Colonel Sweet, I treated them with special respect, and not a word was said or heard by me that could be construed into disrespect or rudeness.

Q. Did any officer accompany you in the search?

A. I made the search alone. Captain Sponnable came in, and also Colonel Skinner. On finding the revolvers I sent for them. They came in and passed

out, but did not make the search. Captain Sponnable afterwards helped me; on removing the arms, he kept the tally while I counted them.

Cross-examination by the accused :

Q. How many persons went into that house that night?

A. Altogether about six, seven, or eight guards.

Q. Did anybody else go in?

A. There were also Colonel Skinner and Captain Sponnable; not over ten altogether.

Q. Was there any one in the front parlor with you?

A. A man by the name of Knowlton; this was the only one.

Q. Has anything been said to you about your being dismissed from the service, if this matter was not cleared up?

A. No, sir; not a word. As soon as I saw the testimony that was taken here, and was asked if it was so, I said emphatically it was not, and I was then told I might be called here to testify; but from no source whatever have I heard that this matter must be cleared up, or I would be discharged from the service.

Q. Did Mr. Walsh, or did he not, ask permission to go up stairs to dress himself?

A. After the door was open, Mr. Walsh did not go to his room at all; I am sure of that.

By the JUDGE ADVOCATE:

Q. What time were these other men found on the roof?

A. After Mr. Walsh was removed.

THOMAS J. SEARS, a witness for the government, was introduced, and, being duly sworn by the judge advocate, testified as follows:

By the JUDGE ADVOCATE:

Q. State your name and residence.

A. Thomas J. Sears; I reside in Fayette county, Illinois.

Q. State whether or not you were a member of Clingman's band at the time of its organization.

A. No, sir.

Q. Did you ever drill or serve under Clingman?

A. No, sir.

Q. Did you ever belong to the same company?

A. No, sir.

Q. Were you not under arrest at the time, and when were you arrested?

A. Yes, sir; I was arrested in Chicago on the 7th of November, the day before the election.

Q. How many more were arrested at the same time?

A. I think some fifteen or twenty were arrested at the same place.

Q. Were all from the same part of the country?

A. Most of them lived in the same county.

Q. Did you go up to Chicago on your own responsibility, or were you sent?

A. My way was paid up. Mr. Laller gave us the money.

Q. How much did you receive?

A. Fifteen dollars.

Q. How much was paid to the band?

A. Fifteen dollars apiece. I think there were between thirty and forty.

Q. Were your expenses to be paid back from Chicago?

A. So I understood.

Q. When was the money paid to you?

A. I believe on the 4th of November, near Ramsey Station, five miles from where I reside.

Q. Why did you go there?

A. I went there with the expectation of going to Chicago.

Q. Who invited you?

A. Mr. Laller.

Q. Were others paid any money at the same time and place?

A. Yes, sir; between thirty and forty. It was divided at Ramsey Station before we got on the train. It was paid out in a lump to Garlan; it was enough to make fifteen dollars apiece.

Q. Was it paid to you in any out-of-the-way place, or in public?

A. It was paid to Garlan not a great ways from our house; I did not see it paid, but he told me.

Q. Who is Garlan?

A. He is a fellow from Chicago; he is dead; he went to Chicago with us.

Q. Had you any business at Chicago?

A. No, sir; not particularly.

Q. What did you go to Chicago for?

A. I went to Chicago to see a fair election.

Q. What else?

A. I understood if there was not a fair election, there might be some little trouble, and if they did not mind the prisoners might be turned loose if they got into a row.

Q. Did they go with the expectation of a row?

A. They were in hopes there would not be, but they went up to see a fair election; if they should try to keep the democrats from voting, in that case there might be trouble.

Q. Who was to take care of you when you got there?

A. I understood when we got there that some men would take care of us, but we never found these men.

Q. How were you to know them?

A. As I understood, the leaders of these men who went up were to have a red, white, and blue ribbon, and thus we were to know them. The ribbon was to be on the left breast. The men who had the ribbon on the left breast were to take charge of the six, or seven, or ten, or whatever the squad was. They were to be taken care of until after the election.

Q. Who was to pay your way back?

A. It was the understanding that our way was to be paid back.

Q. In case of the riot, who was to be the leader of these men?

A. None of our own men; but I do not know who was to be the leader.

Q. Had you any information upon this subject?

A. I did not understand; I supposed if they got up a row there would be leaders.

Q. When you were being employed, was any person provided to lead these bands?

A. No man was mentioned in my hearing about leading these men. I understood there were to be military men guarding prisoners; of course, government men. I did not hear of any other military men.

Q. In case of trouble, who were to lead you?

A. I do not know. I supposed if there was trouble, leaders would be provided.

Q. In case of trouble, and you went through it, was there not some mention as to what you were to receive each?

A. It was the understanding that we were to receive a thousand dollars each.

Q. In case the row commenced and the fight began, what was the duty of your party with reference to the city of Chicago?

A. Garlan and I, and some others, were talking about it, and we said if they were to release the prisoners we were not going; that was on the day we were to start. We were to go there and be peaceable until after the election, and then return home.

Q. Suppose you were not peaceable, and the fight did occur?

A. I suppose if the fight occurred, we were to take part in it.

Q. Was the city to be held or not?

A. I never heard anything about that. I heard that in case the fight occurred, the prisoners might be turned loose; but if we were arrested, we were to keep these things to ourselves.

Q. In case you were arrested and got caught, was anything to be done to release you?

A. Nothing was done or talked of that I know of.

Q. In case you were arrested and got into trouble, was any fight to arise out of that?

A. Not that I understood.

Q. Have you been promised release or reward, for testifying in this case, by any person connected with the government?

A. I have not, sir.

Q. Has any terror or oppression been held over you for the purpose of making you testify?

A. No, sir; I am testifying freely, and without hope of reward in the matter.

Cross-examination by Judge WILSON:

Q. When do you expect to go home?

A. I cannot tell; I hope soon.

Q. Have you any idea when you will go home?

A. I have not, sir.

Q. You have no expectation, then, of going within a day or two?

A. Yes, sir; I have been expecting to go within a day or two, but I have been expecting that a long time, since I left Chicago.

Q. Who first talked to you about your arrest in Camp Douglas?

A. A man came to me and talked to me about it. They swore me, and put it down in writing, I believe.

Q. Did you sign it?

A. Yes, sir.

Q. Where do you live when you are at home?

A. Fayette county, Illinois.

Q. What was the last thing said to you when you left Fayette county?

A. Mr. Laller gave us instructions to get into no trouble or difficulty, and to return as soon as we could; he was the man who fetched us the money.

Q. What did he tell you you were going for?

A. He said we were to go to Chicago to see that the democrats had a fair election, and he told us that trouble should get up, and we should get into a fight; he did not know but the prisoners would be released.

Q. Did he not say that if they would not allow a fair ballot, then the prisoners might be released?

A. He said that if they got into a row, and undertook to keep the democrats from voting, in that case the prisoners would be released.

Q. How were they to get into a row?

A. On account of the election, if they were not allowed to have a free vote.

Q. How were they to prevent having a free vote?

A. I don't know.

Q. Have you any reason to think you will be allowed to start home to-morrow?

A. I do not know; I have been kept five months, and don't know when I shall be allowed to go home.

Q. Do they charge you anything for your board?

A. We buy part of it.

Q. Do you know Dr. I. Winslow Ayer, of Chicago?

A. No, sir.

Q. Do you know John T. Shanks ?

A. No, sir.

Q. Do you know a man by the name of Strawn ?

A. No, sir.

Q. Do you know a man named Langhorne ?

A. No, sir.

Q. Do you know a man named Keefe ?

A. No, sir.

Re-examination by the JUDGE ADVOCATE :

Q. Do you know Chengman ?

A. I saw the man, but I do not know him.

Q. Was he the leader of a company in Illinois ?

A. I understood he was in Illinois, away down.

Q. Were you associated with him ?

(Question objected to by the accused, and withdrawn.)

By the COURT :

Q. Did you vote while you were in Chicago ?

A. No, sir ; I was taken prisoner before the election.

Q. Would you have voted had you not been arrested ?

A. I should have voted had there been no objections.

Q. Was there any such intention as to have you men vote ?

A. I do not know.

By Judge WILSON :

Q. Do you belong to Shanks's band ?

A. No, sir.

WILLIAM F. STERNS, a witness for the government, was then introduced, and being duly sworn by the judge advocate, testified as follows :

By the JUDGE ADVOCATE :

Q. State your name, residence, and profession.

A. William F. Sterns ; I reside in Chicago ; am an attorney and counsellor at law.

Q. Where was your home in the months of October and November, 1864 ?

A. At the house of Dr. Edwards, No. 70 Adams street, Chicago ; I boarded there from January, and board there now.

Q. While there were you presented to, or did you meet, a man by the name of Dr. Hunter ?

(Question objected to by Judge Wilson as attempting to introduce evidence not strictly rebutting. Also, objected to by Robert Hervey, esq., on the same ground, and as illegal and incompetent, quoting De Hart, pp. 160, 161, and 162.

The court was then cleared for deliberation. On being reopened, the judge advocate announced to the accused that the objections were overruled.)

A. The arrest of Marmaduke, or Burling, as he was called, was on the Sunday night preceding the election in November, and on one occasion, some few days previous, I recollect that I was introduced at the table there to a man whose name was either Dr. Hunter, or Turner, my memory does not enable me to state distinctly ; if I were to depend upon my own recollection I should say Turner ; but as others say it was Hunter, it may have been that.

Q. Have you not stated to persons in Chicago that you met at Dr. Edwards's a person by the name of Dr. Hunter ?

A. I told people that I met Dr. Turner, and they told me it was Dr. Hunter. I have had such a conversation as that with my partner ; and my best recollection is that the name was Turner.

Q. Was he acquainted with Marmaduke ?

A. They appeared to be acquainted.

Q. Did they move about together ?

A. Not that I noticed ; I had not the means of observing.

Q. Did they sit next to each other at table ?

A. I do not know.

Q. By whom were you presented to Dr. Hunter or Turner ?

A. It may have been by Dr or Mrs. Edwards.

Q. Who presented you to Mr. Burling ?

A. I do not remember.

Q. How frequently did you meet Dr. Turner or Hunter ?

A. He may have been there twice, but I do not remember distinctly.

Q. Did he stay in the house ?

A. I do not know whether he stopped at the house ; I only saw him at the table.

Q. What kind of a man was he ?

A. He was a young man ; I took him for a fresh graduate of some medical college. He was of a light, florid complexion, had dark hair, from five feet eight to five feet ten inches in height ; rather sparely built, and would not weigh perhaps more than 135 or 140 pounds.

No cross-examination.

The commission then adjourned to meet on Thursday, April 6, 1865, at 10 o'clock a. m.

COURT-ROOM, CINCINNATI, OHIO,

April 6, 1865—10 o'clock a. m.

The commission met pursuant to adjournment. All the members present ; also the judge advocate and the assistant counsel, the accused and their counsel. The proceedings were read and approved.

THOMAS NOLAN, a witness for the government, was introduced, and being duly sworn by the judge advocate, testified as follows :

By the JUDGE ADVOCATE :

Q. State your name, position, and where you were on the 6th of November, 1864.

A. Thomas Nolan ; private, company H, fifteenth veteran reserve corps ; Camp Douglas, where I was stationed on the 6th of November, 1864.

Q. Were you one of the guard that went to the house of Mr. Walsh ?

A. I was.

Q. State if you entered the house, and with whom ?

A. Yes, sir ; I entered with Captain Phillippateaux, and I was with him all through the house.

Q. Did you hear all that was said and see all that was done by him in the house ?

A. Yes, sir ; I did.

Q. What part was examined first ?

A. The parlor was first examined by the captain, and two men were with him.

Q. Were there any chairs or furniture broken ?

A. No, sir.

Q. Was the piano injured in any way ?

A. No, sir.

Q. Had the two soldiers that were with him anything to do with the examination ?

A. No, sir; nobody had anything to do with it except the captain. When the captain left the door was shut and the men went into the hall, and from there to the front room up stairs.

Q. What did you find there?

A. We found saucers with some shot, saucers of powder, and some small pins for making cartridges on.

Q. What kind of pins were they?

A. They were short and round; about the length of a clothes-pin.

Q. Where were the saucers?

A. They were lying on the sofa up stairs.

Q. Did you hear all that was said, and see all that was done, during his intercourse with the ladies while he was there?

A. Yes, sir, I did.

Q. Was there any circumstance with respect to the finding of a piece of jewelry?

A. Yes, sir, there was. One of the ladies said she had lost a piece of jewelry, and she said she thought one of the soldiers had taken it; and he said he guessed not. He then went to the sofa and lifted up the mattress of the sofa, and the bracelet fell off.

Q. Was nothing said about the piece of jewelry before that?

A. No, sir.

Q. Did Captain Phillippateaux use any disrespectful language to the ladies?

A. No, sir.

Q. Was anything of this kind said: Boys, you had better go back and get some mementoes, or kisses as mementoes, before leaving?

A. No, sir; nothing of the kind was said.

Q. Was any profane language made use of by the officers or soldiers?

A. No, sir.

Q. Was the search made carefully or recklessly?

A. It was made carefully. We had orders to use the ladies well, and to misuse them in no way, shape, or manner. We received these orders from Colonel Skinner.

Q. Did you see Mrs. Walsh, the mother of the young ladies?

A. Yes, sir; she was in bed.

Q. Was she at all moved during the search?

A. No, sir, she was not, and did not move from the bed or rise in the bed during the search.

Q. Did you go with Captain Phillippateaux and examine the garret and cellar?

A. Yes, sir; I was never separated from him while the search was going on in the house.

Cross-examination:

By Judge WILSON:

Q. How many soldiers were in the front room?

A. Not more than ten soldiers, officers and all. I am sure of that.

Q. Where were the balance?

A. Outside, standing round the house.

Q. Who were those in the house?

A. I cannot tell. Captain Phillippateaux, Colonel Skinner, Burke, and myself; but I do not remember the others.

Q. What were they all doing?

A. They were looking round at the rooms as soon as they got in there.

Q. Did you go and look at the piano to see if any of the keys were injured?

A. Yes, sir; and looked at it at first when we entered the house.

Q. Were the ten you have mentioned all the time with Captain Phillippateaux?

A. No, sir.

Q. Where were they?

A. In the hall ; all the rest except Captain Phillippateaux, myself, and another I think.

Q. How many were in the hall ?

A. I believe there were seven standing guard ; there were forty-one guards in all.

Q. Where was Mr. Walsh when you went in ?

A. He came down stairs to open the door.

Q. Had he a coat on ?

A. No, sir.

Q. Where did he find his coat ?

A. In the front room up stairs.

Q. Are you sure of that ?

A. Yes, sir.

Q. Are you as sure of that as you are of anything you have sworn to ?

A. Yes, sir.

By the COURT :

Q. Are you sure the coat was not handed to him on the stairs ?

A. Yes, sir.

JOHN C. BIGELOW, a witness for the government, was then introduced, and being duly sworn by the judge advocate, testified as follows :

By the JUDGE ADVOCATE :

Q. State your name and residence.

A. John C. Bigelow, Chicago.

Q. Are you acquainted with the circumstances of some gun boxes being taken into the house or store of Messrs. Bigelow and Mulkie the day before the election in Chicago ?

A. Yes, sir ; two boxes, gun cases, were taken into that store ; one was empty, the other contained reserve papers and the regimental books of the one hundred and thirty-fourth Illinois infantry ; also one gun.

Q. Were there any other guns taken there that day ?

A. No, sir.

Q. Do you know whether or not there was a company drilling in that building, and where they kept their arms ?

A. No, sir ; there were arms in the building belonging to the Ellsworth zouaves.

Q. Were they used about the time of the election ?

A. No, sir ; they have not been disturbed since April 1, 1864.

Q. Have there been any other arms in that building ?

A. No, sir.

Cross-examination by the accused :

Q. Do you remember an institution called the Loyal Leaguers ?

A. No, sir.

Q. What was the store occupied for ?

A. It was a dry goods store ; 151 Lake street.

Q. Do you belong to the order known as the Strong Band ?

A. No, sir.

Mrs. C. ROSA EDWARDS, a witness for the government, was then introduced, and being duly sworn by the judge advocate, testified as follows :

By the JUDGE ADVOCATE :

Q. State if you are the wife of Dr. Edwards who has testified in this case.

A. I am, sir.

Q. State whether or not there was at your house, about a week before the election, a person known as Dr. Hunter.

(Question objected to by the accused, as incompetent, and as leading. Question withdrawn.)

Q. State whether or not there was staying at your house, before the election, the defendant, Marmaduke, under the name of Burling.

(Question objected to and withdrawn.)

Q. State to the court whether or not one Mr. Marmaduke was stopping at your house, about a week before the election, and if there were any other persons that called at your house to see him.

(Question objected to and withdrawn.)

Q. Please to state all the persons that were stopping at your house during the eight days before the election.

A. Mr. Burling, Mr. and Mrs. Duncan, and Judge Sterns; that is all.

Q. Were there any other persons that called?

A. Yes, sir, many.

Q. Who called at your house during that week?

A. I do not know who called to see Mr. Burling but Mr. Hunter.

Q. Who was Mr. Burling?

A. I do not know, sir; he came to me under that name.

Q. How often did Mr. Hunter call to see Mr. Burling?

A. To my knowledge, but once.

Q. Did he see him?

A. Yes, sir.

Q. Did he ever call again to see him?

A. I understood he did.

Q. Did he get to see him?

A. No, sir.

Q. Did Mr. Burling give any instructions as to whether he should see him again or not?

A. Yes, sir, he desired me that if he called again he was to be denied to him.

Q. How long did Hunter stay at your house the first time?

A. About two hours; he dined with us.

Q. Describe Mr. Hunter who called.

A. He was a young man of twenty-three or twenty-four, I suppose; he had dark hair and eyes, smooth face, no whiskers, and was very handsome. His complexion was light, and I think ruddy; and he was of medium stature.

No cross-examination.

Mrs. CALLIE DUNCAN, a witness for the government, was then introduced, and being duly sworn by the judge advocate, testified as follows:

By the JUDGE ADVOCATE:

Q. State your name and residence.

A. Callie Duncan; I reside in Chicago.

Q. State whether or not you ever met at the house of Dr. Edwards a person known as Mr. Hunter.

A. I did.

Q. Were you introduced to him?

A. I was.

Q. Did he on that occasion take a meal at the house?

A. Yes, sir; he took dinner.

Q. Did that gentleman ever call again?

A. Yes, sir, in the course of two or three days.

Q. Did he see Mr. Burling the second time?

A. No, sir.

No cross-examination.

JAMES B. WILSON, a witness for the government, was then introduced, and being duly sworn by the judge advocate, testified as follows:

By the JUDGE ADVOCATE :

Q. State your name, residence, and occupation.

A. James B. Wilson ; I reside in Salem, Washington county, Indiana, where I have resided about fourteen years. I was at first engaged in the practice of medicine, after which I was elected clerk of the circuit court. I held that position for eight years. I am now auditor of that county.

Q. Did you ever join an organization known as the order of American Knights, or Sons of Liberty ?

A. Yes, sir ; I think in September or October, 1863.

Q. What was it then called ?

A. The order of American Knights.

Q. Where did you join it ?

A. At Salem, Indiana.

Q. Who inducted you into the order ?

(Question objected to by the accused. The court was then cleared for deliberation. On being reopened, the judge advocate announced to the accused that the objection was overruled.)

A. Mr. Bayley, at Salem, Indiana.

Q. State if you attended a meeting of the order of Sons of Liberty, at Chicago, on the 20th of July last ?

(Question objected to by the accused, as not rebutting, and if introduced at all, should have been in the evidence in chief. The court was then cleared for deliberation. On being reopened, the judge advocate announced to the accused that the objection was overruled.)

A. I understood it to be a meeting of that kind.

Q. State wherein the order of American Knights differed from that of the Sons of Liberty.

(Question objected to by the accused as incompetent, the rituals of the orders being already in evidence before the court. The court was then cleared for deliberation. On being reopened, the judge advocate announced to the accused that the objection was overruled.)

A. I understood the difference to be, that in the change, the military authorities of the organization were to override the civil authorities. It was explained to me when I became a member of the organization, and subsequently, that the civil overrode the military in the order of American Knights, and in the Sons of Liberty the military was the predominant power. So far as the latter is concerned, it was never explained to me by any person whom I thought had capacity enough to explain it ; but I have received that explanation from members.

Q. Were they prominent members ?

A. No, sir.

Q. Do you say you were present at the meeting in Chicago on the 20th of July last ?

A. Yes, sir.

Q. How did you come to go to that meeting ?

A. I understood from Dr. Bowles, who was, as I learned, one of the major generals of the State, that there was to be a meeting of the order, though he did not explain its nature. I went to the meeting, starting, I think, about the 18th or 19th of July. Mr. W. D. Green and my wife went with me.

Q. When did you arrive there ?

A. The next day after starting.

Q. Where did you stop in Chicago ?

A. Mr. Green, my wife, and myself stopped at the Tremont House.

Q. What was the first thing that took place in reference to this meeting ?

A. After dinner I went to the Richmond House, (Dr. Bowles said he should stop there,) and inquired for him. I think he was not in his room when we first called, and after staying there some two hours, we went away without having had any formal meeting. Matters of general interest were talked about, and that was all.

Q. At this two hours' sitting who was present?

A. Dr. Bowles, and Mr. Barrett—it was said he was from Missouri; they called him colonel—and a Mr. Swem, I think a citizen of Chicago; there were others in the room at the time, but I did not know them.

Q. Did you learn when the meeting was to take place?

A. Something was said about the meeting, and we were told there would be one, if certain gentlemen whom they were expecting arrived.

Q. Did you learn where they were expected from?

A. I think it was expected that Mr. Dodd, and Mr. Green, of Illinois, would be present, and some others.

Q. Were any persons expected from Canada, or the southern States?

A. Not that I know of.

Q. State what next occurred.

A. Next morning we went to the Richmond House again, and there were Judge Bullitt, of Kentucky, also Mr. Williams, Mr. Piper, Mr. Swem, and Mr. Charles Walsh, the defendant, whom I think I recognize now in court.

Q. Who was Mr. Piper?

A. He was said to be a travelling agent of the order, or a kind of missionary.

Q. Where was this meeting held?

A. It was, I think, in the fifth story of the Richmond House.

Q. Was it a secret meeting?

A. The door was not closed and no password was required, or anything of that kind, but the door was perhaps watched. I am not sure how that was done, but there always seemed to be some one standing near the door.

Q. Was any person admitted who was not a member of the order?

A. Not that I know of; all who were there were members of the organization.

Q. Was any person admitted to that meeting who was not understood to belong to the military part of the order?

A. Yes, sir; I and Mr. Green did not belong to that order, but they understood that we belonged to the military part.

Q. How did you come to be admitted, not belonging to the military?

A. Dr. Bowles said he would introduce me as one of his staff officers. He reported Mr. Green in the same way, as one of his staff officers.

Q. What position did you hold upon his staff?

A. I think I was his adjutant general. I do not know what position Mr. Green held.

Q. Who took the chair?

A. Mr. Barrett occupied the chair.

Q. Did you learn from any source what this meeting was called together for?

A. I do not think I did.

Q. Did you learn what it was to be composed of?

A. I understood from Mr. Barrett that it was to be composed of the military chiefs of the organization from each of the States of Ohio, Indiana, Illinois, Missouri, and Kentucky.

Q. Who was present when Mr. Barrett took the chair?

A. Judge Bullitt, who, I think, occupied part of the time as chairman in some way or other. Dr. Bowles was there, and also Mr. Williams of Kentucky, Mr. Walsh, and Mr. Swem, and Captain Majors, from Canada.

Q. Did he at that meeting pretend to represent the voice of the southern confederacy?

A. Yes, sir; he did, along with Colonel Barrett. Mr. Dodd was not in the

room at that time, but he was at the meeting. Amos Green was expected but did not come.

Q. What proposition was made to that meeting by Colonel Barrett?

(Question objected to because it is evidence in chief and a transaction which opens up the case anew, and which the judge advocate should have offered as evidence in chief. The court was cleared for deliberation. On being reopened, the judge advocate announced that the objection had been overruled.)

A. He stated that he had come there for the purpose of making a proposition, and was authorized to do so by some authority from the southern confederacy, for a general concurrence of the people in the States of Kentucky, Missouri, Illinois, Ohio, and Indiana, and through the instrumentality of the organization of the Sons of Liberty, which he said existed there as well as here, to save the Union. He then went on to state that the work was of such a character as we contemplated could not be undertaken without incurring considerable expense, and that they had placed a large sum of money in his hands for the purpose of meeting, or partly meeting, the expenses incidental to the proceedings, and that the money to be used had been captured of a United States paymaster on Red river, Arkansas, amounting to two millions of dollars. He stated, further, that it remained for this meeting to determine what disposition should be made of the funds. He said he was disappointed in the character of the meeting; that it was not what he expected it to be, but that they might take the money or not as they were disposed.

Q. In disposing of this money, how was it to be done?

A. It was proposed to distribute it to the several grand commanders of the States I have named, and through them to the major generals of the States respectively, and then to be distributed to the subordinates in the counties in the district in which they lived.

Q. What was to be done with this money?

A. It was to be used for the purpose of arms and such other implements of war as were necessary to perfect the objects of the organization.

Q. Was any plan designated by which the arms were to be used?

A. Yes, sir; something was said about the manner in which the arms were to be procured. I did not hear exactly what was said about the manner in which they were to be procured, but it was in some way by each grand commander of the respective States; and they were to be procured in New York by these several grand commanders, and were to be forwarded to different localities in the States. This is my best recollection.

Q. What was to be done with these arms?

A. There was to be a committee to put these arms into the hands of the order, and then a time was to be set for a general uprising of the people against the administration of Mr. Lincoln.

Q. What was to be the *modus operandi* of that uprising?

A. The information was to be communicated from the grand commander to the major generals, and through them to certain individuals in the counties, and they were to be brought together at the suggestion of some one who was to be named by the major general of the district, and then they were to form in companies, and were to be rendezvoused within some point within the district where the major general held rule. Then they were to have a general rendezvous for each of these States. There was one to be at Indianapolis, one at Evansville, one at New Albany, and at Terre Haute; but I did not learn the places in the other States.

Q. After the troops rendezvoused at these points, were they to have arms at the time they came together?

A. It was understood that they were to have arms.

Q. Was anything said about the arsenals of the different States?

A. They expected to be able to secure the arsenal at Indianapolis by some

strategy, and these arms were to be put into the hands of the people who were moving in the organization.

Q. What was said about the camps of rebel prisoners in the different States?

A. That was a proposition which I did not hear discussed, but I learned from Dr. Bowles that it was to free the rebel prisoners at Indianapolis, and I understood a plan was agreed upon for each of the other States where there were rebel prisoners, supposing they would be willing to engage with the order of the Sons of Liberty in ridding themselves of the powers of the administration.

Q. Were any arms to be placed into their hands?

A. They were to be armed if they were willing to co-operate with the Sons of Liberty.

Q. After rendezvousing at these different places and placing arms in their hands, was there any arrangement as to how they were to operate?

A. I suppose that was left to future arrangement; something was said as to what plan they would adopt, but nothing was finally agreed upon. This was not at the meeting, but it was among the matters talked of.

Q. What was agreed upon at this meeting?

A. The general proposition was voted down. I do not know who voted for or against it; there was not much discussion; Judge Bullitt and Mr. Holloway from Illinois said something.

Q. Was this objection to the general plan or to the time and circumstances?

A. I think it was more with regard to the time. The trouble was in regard to fixing it.

Q. Was any time suggested?

A. Yes, sir, the 16th of August, on which date there was to be a general uprising of the organization. They were to remove the State authorities and the State government, and take possession themselves. That was part of the plan they voted down. I saw persons about the house that were in close conversation with those present; they seemed to be counselling together.

(The supposition of the witness was objected to by the accused.)

Q. State what occurred there in reference to any other time than the 16th of August.

A. The third and the tenth of August were both spoken of, and the sixteenth of August. The proposition of Colonel Barrett was voted down, principally, as I understood, because they could not agree as to the time. They thought it was too early.

Q. Was anything said as to any communication with the rebel military forces or authorities?

A. Something was said about getting information through to Buckner and Price; that messengers would be sent to them informing them of the time, and that they would send their forces in, and have them close to the cities of St. Louis and Louisville, and the approach of the troops at those points would be the signal for the general uprising.

Q. Did Colonel Barrett pay out any of this money, to your knowledge, that he received from the confederate government?

A. Yes, sir; he paid it to me; he paid my expenses from home there, and my expenses there, and he also paid it to Mr. Green, and I receipted for it.

Q. Was this money paid by Colonel Barrett?

A. I stated that he had money to be used; he said it was money captured from a federal paymaster.

Q. Did you make any effort, or any other person present to your knowledge, to buy arms for the Sons of Liberty?

A. It was suggested to me by Dr. Bowles that arms could be procured from Mr. Kent, of New Albany. I went there, but did not meet with much success.

Q. Were you furnished with money by anybody to buy arms?

A. Yes, sir; I received a thousand dollars from Dr. Bowles.

Q. Were you informed by any member that arms had been sent to any member of the order?

A. I was informed that Mr. Dodd had received some, but I do not know how many.

Q. When this uprising took place was there any plan or agreement by which the property of the members of this order was to be saved in case of a general destruction?

A. There was to be a flag used for protection in case of the invasion of the southern forces. The flag used was to be made out of white material, trimmed with red ribbon, which was to be held in the hand or on the property that it was intended to protect.

Q. What class of property was this intended to protect?

A. The property of the members of the organization.

By Judge WILSON:

Q. Have you any recollection as to how long Mr. Walsh was there?

A. I have no recollection of seeing him there but a very few minutes. I saw him two or three times, but only for a very little while. He did not participate in the meeting in any way that I know. Some information was wanting, or some reference was made to some movements of the troops; it was something in connection with the army, I think, and the conversation being upon that subject, Mr. Walsh said he had a paper containing the information; he would go and procure the paper. He subsequently had the paper, but I do not know what it was about.

Q. What did you do with the thousand dollars you had to buy arms with?

A. I lent it out to some friends to buy substitutes for the army.

Q. Was the money used for the purpose of buying substitutes?

A. It was.

Q. How was it let out?

A. I let some particular friends have it, and they have since paid me back the money.

Q. Have you got it in your pocket?

A. I hold myself responsible for it.

Q. To whom.

A. I do not know; when the claims are settled I will pay it to somebody.

Q. Is that all you ever got?

A. Yes, sir.

Q. When did you first communicate this matter to anybody?

A. I first did to Mr. Kerr, of New Albany, Indiana. He was a member of Congress for the second district of Indiana.

Q. Did you know anything about this treasonable order before you went to Chicago?

A. I knew of the existence of the democratic organization.

Q. Were you ever arrested in connection with this matter?

A. Yes, sir; at Indianapolis. I was held eleven days and then discharged.

Q. During that time did you make any statement about this matter?

A. I did; as a witness before the court.

Q. Did you state on that occasion that the doors of this meeting in Chicago were open?

A. I stated in reference to that, as I have stated here to-day, that they were locked after, but not perhaps closed.

Q. How many persons at any one time were in the room at the time you speak of?

A. I think the number could not exceed eight or ten.

Q. Who were they?

A. Mr. Barrett, Captain Majors, Mr. Swem, Mr. Walsh, Mr. Williams, Judge Bullitt, Mr. Green, myself, Dr. Bowles, and Mr. Holloway. I do not know

that they were all in at the time the proposition was made, but I was introduced to these persons at the meeting. It was also expected that Mr. Vallandigham would be present.

Q. Did they keep any minutes of the proceedings of that meeting?

A. No, sir.

Q. Were there any resolutions passed?

A. No, sir; it was a kind of a general talk.

Q. Was there any agreement upon anything that was to be done?

A. I thought there was an agreement, but I did not hear it. Nothing to my knowledge was agreed upon.

Q. Did it come to your knowledge, soon after, that this project was abandoned?

A. Yes, sir, from a member of the order.

By the JUDGE ADVOCATE:

Q. From whom did you hear that it was to be abandoned?

A. From Dr. Bowles. About the 7th of August, I went to French Lick Springs, where he lives, and I think he told me that Dodd had sent his son there, stating that he thought they would abandon it. I did not know for a certainty that it was abandoned till the time of the Chicago convention, when I learned that the whole action of this organization was merged into the democratic convention.

By the COURT:

Q. Was it understood that the subordinate officers in the various districts were to obey the orders of the general officers in command?

A. Yes, sir; that was the understanding.

Q. Did you receive money from Colonel Barrett for your own benefit from the funds furnished by the rebel government?

A. I could not answer that positively.

Q. Did you receive it believing it to come from the rebel government?

A. I do not think I formed an opinion on that subject.

L. E. JONES, a witness for the government, was then introduced, and being duly sworn by the judge advocate, testified as follows:

By the JUDGE ADVOCATE:

Q. State your name, residence, and profession.

A. L. E. Jones. I have resided in this city for twenty-two years. I used to practice medicine, but do not now.

Q. Are you acquainted with the different medical institutes of this city?

A. I am to some extent.

Q. Did you hear Dr. Ayer testify when on the stand here as to the location of the colleges he attended?

A. I heard him make some reference to diplomas he had received.

Q. Did you hear read the certificate of the dean of the faculty of some medical institute?

A. Yes, sir; I did.

Q. State whether the institute referred to in that letter is the same as that Dr. Ayer spoke of?

A. There were two distinct institutes; one has no being at the present time; it was organized about seven years since, and they had rooms and conducted the business of the college in College Hall, on Walnut street, opposite the Gibson House, from which place Dr. Ayer stated he obtained his diploma. That was called the Eclectic College of Medicine; the other is called the Eclectic Medical Institute, and Dr. Scudder gives his certificate in reference to the Eclectic Medical Institute.

(Letter of Dr. Scudder introduced in evidence, marked S S, hereto attached and made part of this record.)

Cross-examination by the accused :

Q. What has become of the one Dr. Ayer spoke of ?

A. It was abandoned several years since.

Q. Do you remember some of its officers ?

A. Dr. Joseph R. Buchanan was one ; he is now in Louisville ; he was, I think, dean of the faculty for a time ; I know he was one of the professors and teachers in the school.

Q. Was there any other college known by the name of Eclectic, besides these two ?

A. No, sir.

Q. If Dr. Ayer swore that he had diplomas from two Eclectic Colleges here, one of them must have been that represented by Dr. Scudder, must it not ?

A. Yes, sir.

Q. Was there any other ?

A. No, sir, only those two ; I understood that when Dr. Ayer testified here, he stated that he had an honorary degree from each school, which does not place his name upon the matriculating list of either school.

The judge advocate here announced that the testimony in the case was closed.

The counsel for the accused desiring until Monday to prepare their addresses, the commission adjourned to meet on Monday, April 10, 1865, at 2 o'clock p.m.

MILITARY COMMISSION, CINCINNATI, OHIO,

April 10, 1865—2 o'clock p. m.

The commission met pursuant to adjournment. All the members present ; also the judge advocate and the assistant counsel, the accused and their counsel.

E. G. Asay, esq., counsel for the accused, Charles Walsh, asked that the commission would, as an act of courtesy, permit him to address the commission on behalf of his client.

The court was cleared for deliberation. On being reopened the judge advocate announced that the commission had granted the request of the counsel.

Judge Wilson then proceeded to address the commission on behalf of the accused, Charles Walsh.

The commission then adjourned to meet on Tuesday, April 11, at 10 o'clock a.m.

COURT-ROOM, CINCINNATI, OHIO,

April 11, 1865—10 o'clock a. m.

The commission met pursuant to adjournment. All the members present ; also the judge advocate and the assistant counsel, the accused and their counsel.

The proceedings were read and approved.

T. W. Bartley, esq., counsel for the accused, Buckner S. Morris, then proceeded to deliver his address to the commission on the question of jurisdiction.

The commission adjourned to meet on Wednesday, April 12, at 10 o'clock a. m.

COURT-ROOM, CINCINNATI, OHIO,

April 12, 1865—10 o'clock a. m.

The commission met pursuant to adjournment. All the members present ; also the judge advocate and the assistant counsel, the accused and their counsel.

The proceedings were read and approved.

E. G. Asay, esq., counsel for the accused, Charles Walsh, then addressed the commission on behalf of his client.

Buckner S. Morris, the accused, requested of the commission that T. M. Ray, esq., be allowed to offer an address in his behalf. Permission being granted, T. M. Ray, esq., then addressed the commission.

The commission adjourned to meet on Thursday, April 13, at 11 o'clock a. m.

COURT-ROOM, CINCINNATI, OHIO,
April 13, 1865—11 o'clock a. m.

The commission met pursuant to adjournment. All the members present; also the judge advocate and the assistant counsel, the accused and their counsel.

The proceedings were read and approved.

Robert Hervey, esq., of counsel for Buckner S. Morris and G. St. Leger Grenfel, then addressed the commission on behalf of the before-mentioned accused.

The commission then adjourned to meet on Tuesday, April 18, 1865, at 11 o'clock a. m.

COURT-ROOM, CINCINNATI, OHIO,
April 18, 1865—11 o'clock a. m.

The commission met pursuant to adjournment. All the members present; also the judge advocate and the assistant counsel, the accused and their counsel.

The proceedings were read and approved.

The following telegram was then read to the commission :

WASHINGTON, *April 17, 1865.*

Colonel H. L. BURNETT, Judge Advocate D. O. and N. D. : Please report in person, immediately, to this department, to aid in the examination respecting the murder of the President.

Acknowledge this telegram.

E. M. STANTON,
Secretary of War.

The judge advocate then delivered his reply to the address of the counsel for the accused.

The commission adjourned to meet at 4 o'clock p. m., to deliberate on their findings and sentence.

COURT-ROOM, CINCINNATI, OHIO,
April 18, 1865—4 o'clock p. m.

The commission met pursuant to adjournment. All the members present; also the judge advocate. The proceedings were read and approved.

Having maturely considered the evidence adduced, the commission find the accused Buckner S. Morris as follows :

Of the specification, first charge, not guilty ; of the first charge, not guilty. Of the specification, second charge, not guilty ; of the second charge not guilty. And the commission do therefore acquit him, the said Buckner S. Morris.

H. L. BURNETT,
Judge Advocate D. O. and N. D.,
Judge Advocate of Commission.

C. D. MURRAY,
Colonel 89th Indiana Volunteer Infantry,
President of Commission.

The judge advocate then submitted the case to the commission. The court was then cleared for deliberation.

Having maturely considered the evidence adduced, the commission find the accused, Charles Walsh, as follows :

Of the specification, first charge, guilty ; of the first charge, guilty. Of the specification, second charge, guilty ; of the second charge, guilty. And the commission do therefore sentence him, the said Charles Walsh, to be imprisoned for the term of five years, at such place as the commanding general may direct. Said imprisonment to date from the 7th day of November, 1864.

H. L. BURNETT,

Judge Advocate D. O. and N. D.,

Judge Advocate of Commission.

C. D. MURRAY,

Colonel 89th Indiana Volunteer Infantry,

President of Commission.

Having maturely considered the evidence adduced, the commission find the accused, G. St. Leger Grenfel, as follows :

Of the specification, first charge, guilty ; of the first charge, guilty. Of the specification, second charge, guilty ; of the second charge, guilty. And the commission do therefore sentence him, the said G. St. Leger Grenfel, to be hung by the neck until he is dead, at such time and place as the commanding general may direct ; two-thirds of the members concurring therein.

H. L. BURNETT,

Judge Advocate D. O. and N. D.,

Judge Advocate of Commission.

C. D. MURRAY,

Colonel 89th Indiana Volunteer Infantry,

President of Commission.

The commission then adjourned to meet on Wednesday, April 19, 1865, at 11 o'clock a. m.

COURT-ROOM, April 18, 1865.

We, the subscribers, members of the commission, recommend that the sentence in the case of R. F. Semmes be remitted.

BENJAMIN J. SPOONER, *Colonel 83d Indiana Vols.*

M. N. WISEWELL, *Colonel V. R. C.*

S. H. LATHROP, *Lieutenant Colonel U. S. A.*

P. VON RADOWITZ, *Lieutenant Colonel A. D. C.*

ALBERT HEATH, *Lieutenant Colonel 100th Indiana Vols.*

N. C. MAURAE, *Major U. S. A.*

S. P. LEE, *Major 6th Regiment V. R. C.*

R. P. De HART, *Colonel 128th Indiana Vols.*

COURT-ROOM, CINCINNATI, OHIO,

April 19, 1865.

The undersigned, members of the military commission, assembled by virtue of Special Orders No. 274, northern department, December 27, 1864, do most respectfully request the commanding general to pardon the accused, Charles Walsh, and remit the sentence awarded by this commission, believing as they do that his long confinement and the punishment incident thereto, together with the fact

of his services to the United States government prior to his arrest, and the fact of a very numerous family requiring his aid and support, justify this request.

C. D. MURRAY,

Colonel Eighty-ninth Ind. Vols., President Commission.

ALBERT HEATH,

One hundredth Regiment Ind. Vols.

(Signed by the request of Lieutenant Colonel Heath by Ben. Pitman.)

N. C. MACRAE, *Major U. S. A.*

S. P. LEE, *Major Sixth Regiment V. R. C.*

M. N. WISEWELL, *Colonel V. R. C.*

S. H. LATHROP, *Lieutenant Colonel, A. A. G.*

P. VON RADOWITZ, *Colonel A. D. C.*

HEADQUARTERS NORTHERN DEPARTMENT,
Cincinnati, Ohio, April 27, 1865.

The proceedings, findings, and sentences in the foregoing cases of Charles Walsh, Buckner S. Morris, Vincent Marmaduke, R. T. Semmes, Charles Travis Daniel, and G. St. Leger Grenfel, are approved and confirmed.

The penitentiary at Columbus, Ohio, is designated as the place of confinement of the prisoners, Charles Walsh and R. T. Semmes. The post commandant of Cincinnati, Ohio, is charged with their immediate removal and delivery to the officer in charge of said penitentiary.

The prisoner, Buckner S. Morris, will be released upon taking the oath of allegiance.

In the cases of the prisoners, G. St. Leger Grenfel and Charles Travis Daniel, (the latter escaped,) the proceedings are forwarded for the action of his Excellency the President of the United States.

The military commission of which Colonel C. D. Murray, eighty-ninth Indiana volunteer infantry, is president, is dissolved.

JOSEPH HOOKER,
Major General.

Reply of Judge Advocate Burnett before the military commission in the case of the United States vs. Charles Walsh, Buckner S. Morris, and George St. Leger Grenfel, April 18, 1865.

MAY IT PLEASE THE COURT:

Upon the brief review which I propose to make of this case I enter with great reluctance. It is an unpleasant duty at best. It is particularly unpleasant in this case. I sought to evade it, being willing that the court, at the conclusion of the case, should take the testimony and investigate it themselves, and save me from making any further remarks upon it. You, gentlemen, will bear me witness that I sought, by all the power in my hands, to save myself from this duty. I desired it because I felt that the case was in the hands of men of intelligence and experience, in whom I had perfect faith. I did not feel that I had the power to enlighten you, or to change your minds. It needed no comment from me to determine your minds, gentlemen, upon the matters in issue in this case, and, having performed my duty of placing the case before you, I desired that my lips might be sealed, and that the accused might stand before you viewed solely in the light of the testimony given before this court; but they would not. After two speeches were delivered, and the third almost finished, I still was willing to

keep silent, and they would not. After that was before the court, and many things had been said that I thought erroneous, not from inclination, but from the bias which the gentlemen had unwittingly, perhaps, acquired in the defence, it then became my duty to speak, and not shrinking from that duty I come up here to-day to perform it, and with God's help I will perform it, without fear, favor, or affection. I ask only that the Omnipotent, who rules the wills of men, and who commands their destinies, may guide me, so that I may do no man wrong, and say no word that will prejudice these accused in your minds; that I may do my duty to my country this day, in her hour of sore affliction, God giving me strength.

Upon the question of jurisdiction I have but few words to say; it has been fully discussed, and you have already passed upon it. That which I desire to say is mainly in answer to the new matter that has been brought up, rather than from any necessity that I think exists to convince you of the power of this commission to hear and determine the case before you.

Military commissions do exist, and, I agree with the gentleman on the part of the defence, from necessity; from the condition of the country and the government. When that necessity passes away, there passes with it all that the state of anarchy, unrest, and confusion brought into existence. Military commissions come into existence only in times of war, from the fact that "certain offences," as Benét well says, "which in times of peace are civil offences, become, in times of war, military offences, and punishable by military courts." In times of war the civil power to a certain extent, is powerless to meet the new condition of disorder. It is powerless to reach out and take possession of armed bodies; to meet conspiracies which are of sufficient strength and power to overcome the civil force. For these reasons the civil law for the time sleeps; it is never dead. Military power comes into existence merely to prolong the life of the civil power; it is never predominant; it never was intended to predominate over the civil power, but it was intended that the arm of the government which was most powerful—the military arm being for the time the executive arm—should be employed to prolong the life and power of the government. And why? Because it is only the military power that can reach out and take possession of those forces which were sent out to destroy it.

Our government contains three branches, the executive, the legislative, and the judicial, all coequal and coextensive in power in times of peace. But in times of war the legislative power cannot meet this armed force which is grappling at the life of the republic. And of what value would be a judicial decision of the government or any of its civil courts to meet an invading army, or to suppress an insurrection? The legislative and judicial powers of the government are powerless, like the head without the hand and arm; the legislative may direct and the judicial acquiesce in the movements of an army, but it is the executive hand and arm that must grapple with the antagonist, and, if possible, destroy him, to save the head and the heart. In time of war the executive power is that in which, for the time being, is centred the very existence of the legislative and judicial branches of the government. The executive, for the time being, becomes, and must be, all-powerful. If hampered with the checks that surround it in times of peace its arm would fall powerless, and the enemy would bind and destroy the nation. And is not this perfectly consistent? The chief executive officer, as commander-in-chief, is the great fountain-head of power, and it is he who transmits the necessary power to his subordinate officers to carry out the behests of that chief executive. The subordinate military commanders, in their departments, exercise the executive powers of the commander-in-chief. The Constitution, which describes the President of the United States as the commander-in-chief, does not say how he shall exercise those powers; the only rule that he has for his guidance in the exercise of his power as commander-in-chief of the army and navy is the rule of nations, the written and the unwritten mili-

tary laws of nations; and these laws and customs of war have grown into existence, as have the common laws, from the immemorial usages of nations.

Considerable comment has been made upon the military *lex non scripta* by which a nation may be guided in times of emergency. I see no cause for the ridicule which the counsel have sought to attach to the term or to the fact. The written and unwritten laws of nations are the sober realities which the experience of peoples and nations have taught them in cases of like emergency, and it would be unwise were it possible, which I contend it is not, for the Chief Executive to be guided by any other law than that which gives to him, in times of war, the supreme control and shaping of events for the general good, as to him at the time shall seem best. The framers of the Constitution, in that instrument, simply said that the President should be commander-in-chief of the army and navy, but the path that he should take and the direction of the power that he should employ to save the life of the nation was left solely to his own discretion. It must be so, for, being trammelled, he would be rendered powerless. He, then, is the fountain-head of military commissions, and as commander-in-chief he delegates those powers to subordinate military commanders, and they, within their province, judge of the requisite power to be exerted for the suppression of disorder and insurrection. In this department General Hooker is the direct representative of the commander-in-chief, the President; in this department he is the judge of the necessity which shall call a military court into existence, and of the means to be employed for the suppression of the rebellion; and there is no other power, judicial or legislative, that can judge of that necessity, or determine the means to be employed to meet the existing emergency. If he or the President unwarrantably exercises that power, then the persons suffering have their remedy. If the President, in times of peace, exercises an unwarrantable power, and calls a military tribunal to take the place of civil courts, he is subject to impeachment and trial before the House and Senate. If General Hooker, as commander of this department, transcends his power and permits military courts to act when such a course is neither necessary nor justifiable, charges may be laid against him, and he can be punished before either a civil or a military tribunal. The exigency or necessity of military courts is equally definable, and also the remedies for their abuse.

A word in justification of this commission. Four years ago in this country there began a great struggle growing out of certain theories of government, as to whether this nation should exist as a unit, or should be separated into sovereign and professedly independent parts; whether within the limits of the United States there should exist one government dedicated to the equality of the human race, and another government founded on a system of human bondage, in which one man was made to labor that another might live in idleness and luxury. The great question was to be determined whether or not man was capable of self-government; whether a self-governing nation could maintain itself, or whether a republican form of government was in reality an impracticable theory, destitute of the elements of vitality. A portion of these States resolved themselves into fragments, each State becoming a separate government, and that which before was a grand and united nation, became a turbulent antagonistic body of separate elements. The struggle has continued for four years. It has held at bay the entire power of this government. Its pestilent sophistries permeated all classes of society, and there was no State in this Union in which were not found lurking traitors to the government, and enemies to the republic.

In some parts of the country, the rebellion dominated the civil power; in other parts it was dominated by the civil power, but wherever this rebellion was found, whether in the southern or the northern States, the government had the right to exercise its power, grapple those in arms, and suppress their machinations. And was she not right?

In the argument of Judge Bartley it is claimed, that only where military operations are in progress, is the existence of military courts authorized. I reply, that wherever the army moves or has its being, in the great work of saving the life of the republic, there exists martial law, and that, too, without any special proclamation upon the subject. Where the army moves in the work of suppressing this rebellion, martial law is predominant and of necessity holds the civil law in subjection. In some of the States of the north, the civil law may be only partly silent, but in every case where the suppression of the rebellion necessitates it, the civil law must be silent to the extent necessary to make the operations of the military arm efficient.

Wherever the civil law interferes with or contravenes the operations of the army while engaged in the great struggle of preserving our nationality, the civil law must for a time give way for the operations of the stronger military arm, but only for the time being, and only that the civil law may live and not die.

Judge Bartley inquires: whence comes this sublimated authority, this higher law than the Constitution? by whom is it ordained, and who is the vicegerent, and where are his credentials?

The law of self-preservation, of self-defence, is ordained by Jehovah. Whenever he created an existing thing, he gave it the right and the power to defend its own existence. The humblest creeping thing, if attacked, will turn and defend its life. Is that right which is given to the meanest of the animal kingdom, denied to man and nations? I say, then, that this right is ordained of God. Who, asks the counsel, is its vicegerent? I am its vicegerent; so are you, gentlemen; and the man that will not exercise it in the defence of his life and his rights is unworthy to live upon the earth which God has made. The nation that will not exercise the requisite power to preserve its life is a nation that no freeman would seek to preserve. I tell you that those very men that would shackle the government with these so-called peace constructions of the Constitution, that would tie the arms of the republic when this fiendish rebellion is at our throats, are the men who would laugh when the nation was in her death throes. Where are our credentials? ask the counsel. They are the credentials which God gave to man when he made him in his likeness and image, that he should walk upright on the face of the earth. Those are the credentials of this higher law, this law of self-defence and self-preservation.

It is admitted that the military power of the government may imprison at will, in times of war. Is the right to try according to the known rules of law a higher power than the right to imprison at will? You take from a man his liberty; if the Constitution gives you that right, where does it stop and say you shall not try and punish? Life and liberty stand upon the same basis. If these cases had been brought before this commission for the first time a few days ago, I should have said this is not the tribunal; the civil courts are the proper tribunals; the necessity for military commissions has passed away. I believed it, and have recently so decided in different cases in my office, honestly believing there was no longer any necessity for military commissions, and that the civil powers should again assert their sway. But to-day, standing face to face with the awful realities that have shocked and appalled us, I do not know that I could so decide. Three months or more ago, when we commenced these trials, this unnatural rebellion was raging, and the government was unequal to the task of subduing it. There was then a necessity for the military power to take cognizance of these cases, and on conviction to punish the offenders. You, gentlemen, believed with me, and, having commenced this case, you are bound to respect your own decision, and to go forward and conclude your investigation. It has been said by the counsel who argued against the jurisdiction of this commission, that the war upon the Constitution in the north is more fatal to the liberty of the nation than the war upon the Union in the south. Pardon me, gentlemen, if I say that such utterances are utterly abhorrent to me.

Who, I ask, is making war upon the Constitution? What party or what department of the government makes war upon the Constitution? I believe, and every friend of this government I have ever spoken to believes, that the Constitution gives to the executive arm of the government sufficient power to preserve itself, and every officer of the government swears, before high heaven, to stand by and support that Constitution. Who, I ask, is making war upon the Constitution? Certainly not those who would preserve it, and the nation which acknowledges it as their fundamental law.

The cry might have originated in the south, but you are repeating it in these northern States. The cry that the South was being invaded, that the rights of the people under the Constitution were being taken from them—this was the cry on the strength of which was commenced this terrible rebellion. It has been admitted by Judge Bartley and others of these counsel, in arguing this case, that the 56th and 57th provisions of the Constitution, which provide for the rights of property and of person, and for exemption from unreasonable search, did not apply to the enemies of the government, or to those in rebellion; but it seems to me that after this scathing review of Solicitor Whiting's positions, Judge Bartley admits exactly what Mr. Whiting claims, and is himself refuted by his own admissions. He admits that these provisions of the Constitution are not meant to apply to men in arms against the government, to our enemies who are seeking to destroy the nation, but only to loyal citizens.

Solicitor Whiting says that the provision of the Constitution which says that a man shall not be deprived of life, liberty, and property without due process of law, does not apply to the man who is in armed rebellion against the government: so admits Judge Bartley. Mr. Whiting says that by the provisions of the Constitution men shall be exempt from unreasonable search; but this refers to times of peace and not to a state of war or rebellion, and so admits Judge Bartley. These guarantees of the Constitution, I repeat, apply to peaceable citizens, and not to those who are in arms against the government and seeking to destroy her.

If the accused are trying to destroy the government, and are open enemies, aiding those in rebellion and in arms against the government, this provision of the Constitution does not reach them. They have, by their treasonable acts, stepped outside of the pale of this amendment to the Constitution; they have clothed themselves in military garb, and they stand in the position of armed enemies whose bayonets are at the heart of the republic; and by the rules that the enemies of the government are judged, so shall ye be.

It was well said by Mr. Hervey that the jurisdiction of this court depends upon the existence of war where the offences were alleged to have been committed. This I concede, but war exists all over the limits of this government; the operations of the army are co-extensive with the geographical lines of our country. In one place we are battling directly with the open foe; in another place holding fast those we have mastered; in another place we are bringing into existence further supplies of men and means to support the army already in the field; and we claim that all these operations are equally the operations of the army and all alike essential to its success.

At the place where these offences for which the accused stand charged were alleged to have been committed we were holding 9,000 of those enemies by a feeble force, and under circumstances that made the security or escape of those prisoners a matter so nicely balanced that the least advantage given to the hostile element would have enabled them to take us by the throat.

Chicago was one of the largest depots of supplies in the United States, and this was the place where it is claimed this conspiracy was to be set on foot, and where these rebel prisoners were to be turned loose to hold, sack, and burn that city.

This is the offence with which the accused stand charged, and this tribunal, we contend, has, under the circumstances, the jurisdiction to determine whether

the offence has or has not been committed, and in the event of conviction to punish the offenders. The court of last resort in military matters has decided that the military commission which sat at Indianapolis, where the same general state of facts existed as in Illinois at the time of the alleged offences, had the jurisdiction to proceed in those trials, and the ruling that applied in that case applies with equal force in this. That is the highest authority in the land. It is an authority which every officer in the service recognizes and is bound to respect. It is an authority appointed under the Constitution and the military laws of the land.

I come now to the testimony in this case; and as it is so voluminous, I can only touch upon the salient points. Then, first: Did a conspiracy ever exist, such as is set forth in the charges and specifications, to turn loose the prisoners in Camp Douglas and to sack and burn the city of Chicago? In deciding this question, we must necessarily recognize the general condition of the country, its turmoil, confusion, and disorder, and the fact that a numerous and powerful enemy was seeking to destroy this government; an enemy whose emissaries were not confined to our own land, but were found equally at the court of St. James and at the feet of the Emperor Napoleon, and whose agents were laboring more energetically nearer to our own borders in Canada. Its head, its brains were to be found in Richmond, but its hands and arms, its agents and emissaries were found aiding and advocating their cause in every State of the Union and in every corner of the civilized world. Men forgot their duty to the republic; and not a few in the northern States were found giving aid to the enemy, either by silent, concealed channels or by open and avowed sympathy, while others manifested their opposition to the government and sympathy for the rebellion by their opposition to the war for its suppression and their clamors for peace.

They turned men's minds against the army; they said it was a war for the negro, and not for the white man; that it was a war against men who were fighting for their rights and for State sovereignty. These claims were made for the rebellion in these northern States, and it was asserted with a bitter partisan fury that never failed to give comfort to those who were in open hostility to the government. The emissaries of the South went over the country turning men's minds against the war, and did their utmost to make men hate the institutions of their country. They claimed that the military power was overturning their rights; that the President intended to assume absolute power over the people of this country, and they insisted that it was the right and the duty of the people to dethrone this usurper, and no epithet was too vile for them to hurl at the head of our government. These men taught the doctrines and the North furnished them with the supple tools. Shylock says: "The villany that they did teach I will execute, and it shall go hard but I will better my instruction."

The villany that they did teach as "an abstract theory," they found others willing to carry into execution.

The first witness placed upon this stand by the government was John T. Shanks, and on him the defence seems to have spent most of their ammunition. I admit that Shanks has been seriously contradicted and impeached, but while I contend that Shanks's testimony is not to be wholly cast aside when he is corroborated by other witnesses, and while I have no justification to offer either for his crimes or for his denial of them, I must say that his conduct presents a marked contrast to that of some of the witnesses brought upon the stand by the defence. Shanks denied that he had been imprisoned, tried, and convicted at Austin, Texas; he was so heartily ashamed of that passage of his life that in seeking to hide it he lied about it. To impeach him they brought this man Davis upon the stand, a gambler, a bigamist, an adulterer, and a murderer, and instead of being ashamed of his crimes, you may recall, gentlemen, that he stood up before this court with brazen effrontery and laughed while he told the story

of his infamous career. That is the difference between Shanks and this witness for the defence.

The man Davis came here as a witness for the defence, and openly avowed the commission of shameful crimes, but you heard no words of censure from the counsel for him. While I admit that Shanks has been contradicted, I believe that most of his testimony is substantially true. I cannot see that he had any inducement to tell other than the truth, and when he is corroborated by concurrent testimony his evidence must be taken for what it is worth.

Shanks details the conversation that took place between himself, Grenfel, and Fielding respecting the manner in which the attack was to be made on Camp Douglas; he details the force which was to be engaged in the attack, and which is corroborated by other witnesses with whom he could have had no collusion. His evidence is that Hines, Grenfel, Fielding, and himself were to lead the forces engaged in the attack. The forces were there on the ground, and the arms were there. He says Hines was to command the attacking force on the west side, Fielding was to command the attacking force on the south side, Grenfel on the north, and himself on the east gate; and he says we were to have a meeting at 8 o'clock the next morning to confer as to the plan of attack, and to have an explicit understanding so as to avoid mistakes.

"I met quite a number of men that were enlisted in this cause—I mean the release of the prisoners; I was told so by Mr. Fielding; he pointed them out to me. Some were from Canada and some from the south of Illinois. I asked Grenfel and Fielding where the men were to come from. Grenfel stated that the confederate government was to furnish means for the purpose of releasing prisoners, and we were to have the co-operation of influential citizens of the north for the purpose of carrying out this object. He said some were to come from Canada and others were to be supplied by the Sons of Liberty.

"He (Fielding) stated to me that the signal for attack was to be the throwing up of a sky-rocket, and that the attacks on the city and camp were to be simultaneous. The attacking party on the other side of the camp were to be armed with guns; my men were to be armed with six-shooters, because I had to go up the public street (of Chicago) and the guns carried by the attacking party might attract attention.

"Q. Who was to lead the attack on the city?

"A. Colonel Grenfel.

"Fielding said that they had plenty of arms. We were to destroy the city of Chicago, and other camps were to be attacked at the same time—Camp Morton, at Indianapolis, Johnson's island also. We were then to form a junction, at some point not designated, on the Ohio river, and afterwards to form a junction with Forrest in Kentucky."

There is a perfect coincidence between this evidence and that sworn to by Stidger, Bingham, and Wilson, and the fact must not be overlooked in estimating the credibility of Shanks's testimony that he could not have known what those other witnesses would swear to, or that he would be corroborated by them.

You will remember, gentlemen, the bearing of Shanks on the witness stand; he is a fearless man and certainly a man of courage, and I cannot for myself avoid associating, to a considerable extent, courage with truthfulness. I always associate a liar with a coward, for they usually go hand in hand. It is very seldom that a brave man is found to be a liar, and I cannot think any one could avoid seeing in Shanks a cool, determined, and brave man.

I now come to the testimony of Langhorn, and I venture to say that his testimony has been triumphantly confirmed by the facts that have come out during this investigation; and I contend that his testimony alone, as to the general fact of the conspiracy, is sufficient to base the findings and sentence of this court upon.

At the time these things occurred Langhorn was not in the employ of the United States government as a detective; neither, I should add, was Shanks. So constantly has it been assumed and asserted by the counsel for the accused that most of the witnesses brought on the stand by the prosecution were government detectives, that you may find it difficult to recognize the simple fact that none of those men were government detectives, or receiving government pay for any developments they might make. Shanks, it is true, had been employed as clerk, receiving his monthly pay; but Langhorn, when he reported the facts of this conspiracy, was in no respect in the employ of the government, and had no inducement to find out these matters, or to communicate his discoveries, except the promptings of his own nature.

Langhorn says that when he was in Canada a scheme was put on foot for the release of the prisoners at Chicago, in July or August. He further states that there were schemes for raids, &c., continually being fomented in Canada, among rebel emissaries and fugitives, including men who were banished from this country, and could not cross the border without being arrested.

Langhorn himself was an escaped confederate soldier, a man of considerable education, sharp, shrewd, and of good address; he was an enterprising, energetic man, of nervous temperament, and had great pride of character. He had studied law, and was ambitious of attaining distinction. In Canada, being idle and restless, at enmity with this government, is it at all surprising that he should have assisted in organizing raids across the border? He and his companions started for Chicago in August; here they met the same confederate soldiers and escaped prisoners that they had conspired with in Canada. This was at the time of the Chicago convention. What was the business that sent them there? They went there to carry out the scheme they had in view to release the rebel prisoners. On his first visit Langhorn met with Anderson and Beale. Anderson, one of the accused, sat here and heard the testimony of the witness Langhorn, but, gentlemen, did Anderson undertake to deny that he was one of those who went to Chicago at that time for that purpose? Beale was a prisoner in confinement here, and, as the counsel for the defence well knew, he was at their disposal as a witness. Did they call him here to contradict the assertions of Langhorn? Langhorn states, too, that Grenfel was on that train; that he saw him when he arrived at Chicago. "I had never seen him before on that trip from Toronto. I was sitting near the door in company with William E. Beale, who is now a prisoner here, and who once belonged to the confederate army, and deserted to come through the lines with me, and Colonel Grenfel came up to the end of the car where we were." What is the reasonable explanation of that fact? It has been claimed that these are contradictions in the testimony of Langhorn with respect to Grenfel; but the statements admit of a fair and simple construction, namely, that when they arrived at Chicago, Grenfel came to the door of the car and spoke to Langhorn, who had not seen him on that trip before. Beale, he asserts, sat next to him. I would ask why the counsel, when they were demanding prisoners from Fort Lafayette and Johnson's island, did not avail themselves of the testimony of this man Beale? He knows the circumstances of the case, and if the statements of Langhorn were incorrect, why was not Beale brought here to contradict them? The fact that they have not done so will, I think, not be misconstrued by this commission. Langhorn continues: "When we left Toronto each man carried with him a slip of paper with the number of four or five rooms in the Richmond House, and the name of 'Little' written just after the number." He states that he was shown into a room with six or eight others; that they were afterwards removed to number 168. "I do not believe," he continues, "that I was told where we were going; but there was an expedition on foot, and every southern man was wanted in it, and railroad tickets were given to us at Toronto. I do know that there was a man in our party that knew where we were going."

These are the apparent contradictions, which have been pointed out and dwelt upon, in the testimony of Langhorn. Langhorn simply states that there were expeditions on foot, but of their ultimate destination no man then knew. The leaders well knew it would be unwise to communicate their designs to all who were engaged in it.

These letters were taken from Anderson at the time of his arrest at Louisville, but Langhorn knew nothing of them, and could not have known that his evidence would be corroborated in any such manner. Anderson says, in his letter dated from Marshall, September 2, 1864, that this conspiracy is to be pressed forward by "keeping the damned democracy in the front." You will not, gentlemen, accuse Anderson of conspiracy against your friends at the bar. He expressed fears that the Sons of Liberty were not coming up to the work as he had expected, and that there might not be the grand uprising anticipated. He was afraid the North would be united, and he desired to plunge her into the abyss and destroy her before that came to pass. He says that the blood and treasure of the South will have been wasted in vain unless the insurrection is brought to a head, or McClellan is elected.

Cantrill, formerly belonging to Morgan's band, was in Chicago in August. Langhorn states that he saw forty-five or fifty men who had come on this expedition in August. He says Jacob Thompson, the rebel agent, had the means to fit out an expedition against the United States. Langhorn states that Thompson himself told him that he had furnished Captain Hines with \$23,000. Amos Green also states that Thompson had furnished the money for the purchase of Dodd's arms. This is a further corroboration of Langhorn's testimony. Green, gentlemen, is your own witness; surely you will not class him as one of the detectives engaged in this grand conspiracy against the accused.

Maughan states that he took \$10,000 from Jacob Thompson to deliver to Castleman. The commission will recollect the evident reluctance with which this witness testified; his corroboration of Langhorn's testimony is, therefore, of the more importance. Maughan says that Louis Schultz was one of the conspirators. Schultz, as the counsel well know, has been during the whole of this investigation confined in McLean barracks. Why did not the gentlemen bring this man here? If his testimony would disprove Langhorn's assertion, the probability is he would have been brought; the refusal of the gentlemen to use him as a witness cannot but have weight with this commission. Langhorn says he saw Schultz again on the fifth of November. Schultz, whom he testifies was formerly of Morgan's command and "one of our party, caught me by the hand in the street (at Chicago) and told me that Dr. Hunter and all the boys were there, that they had one hundred and fifty men, and that they were going to release those prisoners next Tuesday." Schultz here confessed to the conspiracy in the most direct and positive manner. If Langhorn's statements in this regard are untrue, can we for a moment believe the gentlemen could not have had this man Schultz on the stand to give to Langhorn's statements the most crushing denial? Your silence, gentlemen, speaks with a hundred tongues. Is Schultz to be placed in the category of detectives, as one of those engaged in this conspiracy against the accused at bar?

Maughan testifies to Hines being there in Chicago at the time of the contemplated conspiracy, and we have evidence of his calling at the house of Dr. Edwards, where Marmaduke was staying; that he saw Marmaduke the first time, and was to be refused an interview should he call a second time. This was testified to by Mrs. Duncan and Mrs. Edwards. Maughan states that he saw Hines and Castleman, and delivered to Castleman, on the 31st of August, the \$10,000 which he had received from Thompson.

When Langhorn saw Schultz telling the latter that he had taken the oath of allegiance, Schultz made a movement as though reaching for his pistols, and wanted him to go and take a drink with the boys, but Langhorn refused. Lang-

horn had taken the oath of allegiance on the tenth of October, and his conduct shows that he evidently meant to keep faith with his government. He had too much honor, pride, and intelligence to turn conspirator again.

Now, Langhorn was not at that period a detective, or in the employ of the government, and it was only from his sense of right that he went and informed Colonel Sweet, whom he then saw for the first time.

You charge Colonel Sweet with having originated a conspiracy against the accused; but here is a witness who swears that when he knew the particulars of this last hellish and abominable plot, he hastened to Colonel Sweet and communicated the particulars; General Sweet corroborates this, and also confirms Langhorn in the statement that it was the first time he had seen the witness Langhorn. If this witness could be contradicted in these vital points, would it not have been done? Langhorn states the most minute particulars as to the number of rooms occupied by these conspirators at the Richmond House, and the number of men in them; now, while the defence have brought here nearly seventy witnesses, why, I ask, have they declined to include Little, the proprietor of the Richmond House, if his testimony would have contradicted Langhorn. It was asked by the counsel, "Do you not remember Colonel Anderson saying, when he was going from the Richmond House, to get clear of the company there, that this project which was talked about did not meet his views, and that he was going to withdraw, and have nothing to do with it?" What was the object, and what was the scheme, from which Anderson was to withdraw? This confession that there was a scheme was admitted by the counsel's own questions. The witness replied: "I heard him say that the project did not meet his views, and that he was going to withdraw." Anderson's letter, however, shows that he did not withdraw.

Again: it is in evidence that Anderson, while in the room with others, was asked to assist in making cartridges in Chicago; and Anderson's counsel asks the witness if he did not hear Anderson refuse to do so. Are Judge Bartley and Anderson both in the conspiracy against these accused? That there was a conspiracy, either against these accused or against the government, is, I think, placed beyond question by this evidence.

Langhorn was asked by the counsel: "Do you not recollect that Colonel Anderson, when requested to go and make cartridges, positively refused?"

Again: the counsel asks, "Did you not have a conversation of considerable length with Colonel Anderson, in which he explained to you the reason why he had come down to Chicago—in which he stated it was merely to convince these men, who were his associates, that he was not a spy of the federal government, as he had been charged with being, and that he intended to have nothing to do with the plan of conspiracy?" I thought, gentlemen, you denied the existence of any conspiracy.

Again: the witness is asked by the counsel, "Did he not, in conversation with you, tell you that his only object in coming down to Chicago was to clear up the suspicion of his being a federal spy; that he was not going in the capacity of a spy; that it was not his design to have anything to do with this plot or conspiracy?" Gentlemen, out of your own mouths your clients stand condemned.

That this conspiracy did exist in August, 1864, no one will doubt that has heard the testimony in this case. For certain reasons, that are explained by Langhorn, it did not take place. The time and circumstances were not propitious, and it was, therefore, postponed to the next favorable opportunity. The design was not abandoned. The elements necessary to its success still existed; the same hatred to our government and her power existed; the rebellion, of which this was but an offshoot, still divided the government, and was as intent as ever on its destruction; but the consummation of the conspiracy was reserved for a latter period. Grenfel was in Chicago in August, as sworn to by Lang-

horn; but as events were not propitious, he left for southern Illinois, and there took his ease for a while. The entry of Grenfel's full name on the registry of the Richmond House has been adduced as confirmatory of the fact that no concealment was sought on his part; that the frankness and distinctness of the entry is evidence that no conspiracy was contemplated by him; and that, had such been his intention, he would have resorted to a feigned name for entry on the register.

But, gentlemen of this commission, this is not the first instance, in the annals of crime, in which openness and frankness have been the most effective means of averting suspicion. It is not the first time that an open and brazen effrontery has been mistaken for integrity of purpose. Grenfel remained in obscurity and quiet so long as it served his purpose; when the time for action came, he was in Chicago at his post. Schultz was there; so also were Hines, Beale, Leslie, Cantrell, and Daniel; Maugham had been there. The men from southern Illinois—that crowd of bloody cut-throats—were on hand, stimulated by the promise of one thousand dollars each; the arms with which death was to be dealt out were there; the necessary elements for this damnable conspiracy were gathered; and there, too, was Grenfel, ready, when the storm should burst, to follow, or direct, the whirlwind that should sweep out of existence that devoted city, and extend desolation over the North, as before it had blackened the fields of the rebellious South.

A word, and only a word, so much having been said during the progress of this case, respecting the Sons of Liberty. That organization was based upon the theory that a State had a right to secede; that each State was sovereign and supreme in, and of, itself, and that, therefore, the government had no right to coerce a State. That is the doctrine of the order, as laid down in its rituals, and promulgated by its leaders; and was it not inevitable that such an organization would gather into it all the elements that were hostile to the government in its efforts to suppress the rebellion? McMasters, one of the leaders in this order, and a witness for the defence, does not conceal that this was their doctrine. He stands up before this commission, and says that the rebels are fighting for the doctrines of our revolutionary fathers. But, gentlemen of the commission, if this nation is merely a confederation of petty, sovereign States—if this great republic is merely a combination of separate sovereignties, each having an independent right to secede at will, and the general government has no right to coerce a State which secedes from the general compact, and dissolves at will the general union, then, gentlemen, I have entirely misread our history, the Sons of Liberty are justified in their hostility to the government, and the South must go unrebuked for the fratricidal war which has devastated this land for the past four years. But these are the doctrines of the order of American Knights, and the Sons of Liberty; and the only point in which I can perceive that they differ from the rebels in arms against the government is, that the latter have carried into effect what they believed, while the others have not. The one having avowed his faith, shouldered his musket and marches to the battlefield to fight for the faith that is in him; while the other, with the instincts of a coward, says the doctrine, "in the abstract," is right, but hesitates to join his brothers to battle for it. The rebels, with greater consistency, say: "That which is abstractly right, we will make practicable." One holds it to be a correct theory; the other endeavors to realize it in practice. The rebel believes this theory to be correct; so does Judge Bartley. The rebel shouldered his musket; Judge Bartley does not.

Here, then, was this organization, consisting of elements hostile to our national good and in sympathy with the rebellion. The natural consequence was that the rebels availed themselves of the friendly aid of this order; they regarded it as one of the main branches whose trunk was rooted at Richmond. To this society belonged Judge Morris and Charles Walsh; to that society also

belonged Colonel Barrett and H. H. Dodd, and to it belonged almost every radical peace man that thwarted the government, and opposed the prosecution of the war.

Now, if Judge Morris did not actually join in the execution of this conspiracy, is he not, I ask, to be held responsible for the fact of its existence? Was it not the legitimate and inevitable effect of the doctrines he taught? He said, in language which the defence have taken the greatest possible pains to show us was exciting and vulgar, and in every way calculated to excite the very people they intended to use, that the government was a usurpation; that Lincoln was a tyrant and usurper; that a time would come when they would have to remove him by force, and that they would have to fight for their rights. He tried to throw the sanctity of law over such teachings by assuring his dupes that their only end and aim was to maintain the Constitution, and to conserve the institutions of their forefathers. Think, gentlemen, of the effect of such teachings upon excitable natures like that of Charles Walsh, and who, I ask, is to be held responsible for the execution of the conspiracy?

Can there be any reasonable doubt as to the treasonable designs of this order, Sons of Liberty? The witness Stidger, who was brought to this stand—whose testimony I am sure would impress all who heard it with the truthfulness of the man—says that the uprising was set for the 16th of August, and that the leaders knew of it. Does Amos Green, one of the witnesses for the defence, speak other than the truth when he tells you about those arms that were shipped to Dodd for the purpose of releasing the rebel prisoners, and that he saw in Barrett's possession a package of \$14,000 which was addressed to H. H. Dodd, to be expended by him and others for the purchase of arms? Does Bingham speak other than the truth when he tells you, and with an evident reluctance that must have been apparent to every one who heard him, of his interview with Walker when he was on his way to the Bates House, in Indianapolis, to meet those two rebel officers who were to take charge of the released rebel prisoners? Does Wilson speak other than the truth when he relates what took place at the meeting of the chiefs of this order, in Chicago, on the 20th of July, when Barrett spoke of the two millions of dollars at his disposal, furnished by the confederate government, which was to be distributed among the leaders of the order, for arming the Sons of Liberty and bringing about an insurrection in the northern States?

The time he thought had come, and the 13th, 15th, or 16th of August was appointed for the time of this uprising. Another link of this terrible chain of evidence against the accused was furnished by Wilson when he described the means which were to be adopted by the use of a peculiar flag to protect the property and persons of the Sons of Liberty in the event of an insurrection, and the general anarchy which it was expected would ensue. Chicago might have been sacked and burned, but the property of Judge Morris and others, that was indicated by the "white flag trimmed with red ribbon," was to be held sacred and protected in the all but general destruction. Walsh, it is shown, was present when these damnable designs were under discussion, and when the question of arms was referred to, he jumps up as though he knew all about it, goes out for information, and shortly after returns with it to the den of traitors. With such evidence, gentlemen of the commission, can there be any doubt as to the intent and designs of the leaders of the order of the Sons of Liberty?

The association of such a man as Judge Morris with this band of traitors strikes me as peculiarly sad. I am reminded by him of that white haired old man, Dr. Bowles, whom it was my ill fortune to prosecute at Indianapolis. That old man, whose white hairs ought to command our respect and reverence, should forget their allegiance to their country, and in her dark hour link themselves with young men in traitorous assemblies, in which a boy like Strawn is Grand Seignior, and there vent their abuse and indignation upon usurpations

and despotisms, phantasms of their perverted natures, is one of those miracles of inconsistency which nothing but the conclusive evidence before you would make it possible to believe.

A word at this point in reference to the testimony of Ayer, Strawn, Alexander, and Hull. Although he has been contradicted in some particulars, his statements of facts in their essential particulars, I contend, have for the most part been left uncontradicted. In the conversation with Phelps on which the defence have laid such great stress, Ayer may not have exactly stated all the particulars of the conversation which took place three months ago, but he was correct in stating that Walsh had proposed to Phelps to take charge of a portion of the arms. Again, as to his statement with respect to the Coles county murders, as related by one of the emissaries of the order, he is corroborated by witnesses for the defence.

Morrison said that "the abolitionists got the worst of it." And who were the abolitionists that got the worst of it in that public meeting in Coles county? The soldiers of the United States government were the shining marks at which the weapons of these Sons of Liberty were aimed; the suit of blue, that badge of patriotism and valor, was the target at which the bullets of these assassins were aimed.

Ayer, I admit, has been an enthusiast, and perhaps over-earnest in the task he had set himself; but that he sought the good of the government—not her overthrow, and that he labored earnestly to protect, and not to destroy the government, is equally certain.

As far as the testimony of Strawn goes, it is, I contend, as reliable testimony as any which has been put upon the stand. Strawn is no friend of the government; he believes in the doctrines taught by the order of the Sons of Liberty, and so avowed upon the stand.

As to Alexander, the defence have endeavored to show that he was a detective, and then have sought to throw distrust upon the testimony for that very reason. Alexander was not a government detective; he has never received a cent for his services; there was no agreement that he ever should, nor am I aware that he ever expected it. What inducements there were for this witness to testify falsely, I do not know; they have not been shown, and the insinuations of the gentlemen deserve only to be passed in silence.

The testimony of Obadiah Jackson, as well as that of the witness just mentioned, all go to corroborate Ayer in the main facts of his testimony. Mr. Jackson I regard as a truthful man, and his testimony alone I consider sufficient to convict the accused, Charles Walsh. It has been urged, with much feeling and eloquence, by each of the counsel, that Judge Morris was not directly implicated in this conspiracy; that his past life, his social position, and all the probabilities of the case, are against the supposition that he would engage in or countenance a conspiracy against the government and the authorities. It is my painful duty to remind these gentlemen that the direct way, the inevitable tendency of the teachings of Judge Morris, which they admit, the denunciations of the government which they try to palliate, the bitter tirades against the abolitionists in power and their usurpations, would be to urge forward such excitable natures as Walsh, and the impulsive Irishmen with whom he acted, to open insurrection and rebellion. With these men, to determine was to act. The villany that Judge Morris did teach, Walsh was ready to execute.

Judge Morris, and such as he, taught that Abraham Lincoln, the pure patriot, was a tyrant, a usurper, a despot, unfit to live, and the result is his death; as if Heaven by his removal intended to show us the appalling gulf between his bright spirit and those who villify him. So long as there are leaders to teach and incite, there will be found followers to execute. Judge Morris teaches, and Walsh is found ready to act.

Vallandigham, Voorhees, McMasters, and I was going to say Judge Bartley

have inculcated doctrines of hatred to the administration and the President; they have for years been teaching and reiterating Abraham Lincoln's unconstitutional usurpations and oppressions, until to-day the nation stands, as it were, hushed in woe under the universal pall of gloom occasioned by the death of its pure, beloved chief.

Ye are the men that at the last great day will be held responsible for this foul deed when His reveille shall call the unnumbered hosts of earth to a final judgment seat; ye are the men that will be held responsible by this people, whose wail ascends to heaven this day because their champion is dead.

I desire now to call the attention of the commission to the possession of arms by the accused, Charles Walsh, and to his position in the order. The defence have made every effort to show that Walsh was not a brigadier general in the order, and after the accumulation of much testimony the question was settled, perhaps not to their satisfaction, by one of their grand commanders in the order, who affirmed that he had been appointed a brigadier general in the order, although he did not have a command.

Now, though I admit, as has been shown here by many witnesses, that Walsh has assisted in raising troops for the government, and spent his time and money in furtherance of the national cause, generously throwing open his house and barns for officers and soldiers—all of which facts will receive their due weight with this commission in their final verdict—nevertheless it has been shown that when he turned against the government he was just as impulsive and enthusiastic the other way; like a sharp-edged tool that in proper hands might do excellent and useful service, in unskilful or traitorous hands wounds and destroys. After joining this organization Walsh is shown to have become an earnest politician and a bitter partisan, and from supporting the government he became one of its most unscrupulous enemies, calling the government "a usurpation," and its soldiers "Lincoln hirelings," and who permitted men in their lodges—and this is not denied—to openly advocate, as Doolittle did, the raid upon Camp Douglas and the release of their friends, the rebel prisoners there confined.

If Walsh and his accomplices had been loyal and true, how soon would they have had the utterer of such treasonable speeches arrested. That they did not, shows how deeply they were sunk in the infamy of the vilest treason. They attempt to meet this by saying that Doolittle was a man of no importance in the order; that his speeches were merely tolerated, not acted upon. But we have conclusive evidence that he was of sufficient importance in the order for them to take action upon his suggestion.

Of the prudence of Doolittle in advising rebellion against the government in an open meeting of the order it is not for me to speak. One would suppose that so dark and devilish a plot should only be spoken of with bated breath, but it seems to have been part of their designs by wholesale denunciations of the administration to sow the seeds of hate, to point out the way for insurrection, and then to encourage those who chose to drift into open acts of rebellion.

All that was necessary in a plot of this kind was to sufficiently educate those who are in deadly hate of their opponents, and then when the blow is struck and men are to range themselves on their respective sides they instinctively rush to their appropriate position. It was to be a repetition of the insurrection inaugurated at Fort Sumter; the necessary conditions existing, it was only needful to fire the first gun, to strike the first blow, and shed the first blood, to range those who were for and those who were against the Union in the deadliest strife. The leaders of the order of Sons of Liberty argued that all that was necessary was to get up a contest at this election between the friends and the enemies of the government, and that with other previous preparation the consequences they anticipated would be sure to follow. For Walsh and such as had been educated in this spirit of hate towards the government, how

think you they would act when the emergency came? His whole soul and energy would be thrown into the contest, and the Irish element, which he would be instrumental in arousing and directing, might have been productive of incalculable mischief in the contest before it was subdued.

Nor were the warlike materials necessary for the contest wanting. Langhorn was the first to make known to the government the existence of those arms at Walsh's house, and the search brought to light the following weapons: between 140 and 150 shot-guns, loaded; between 340 and 350 revolvers, loaded; between 13,000 and 15,000 pistol cartridges; between 200 and 300 buckshot cartridges; between 250 and 300 bullet moulds; from 350 to 370 boxes of caps; besides two boxes of arms found at his stables. What, I ask, were those arms concealed there for? There is only one solution of the mystery. A secret conspiracy existed. Walsh was not only a member, he was one of the leaders in that conspiracy; a time had been set for the uprising and here were the arms to be used when the proper time for the insurrection arrived. We have proved the existence of a conspiracy; we have proved Walsh's connection with the order of Sons of Liberty; we have proved the connection and participation of that order in this conspiracy, and we have proved the possession of those arms at Walsh's house. And how, I ask, have the defence met this overpowering evidence?

They have endeavored to show that subscriptions were taken up from members of the order for the purchase of arms; that the democratic party subscribed for arms; and have by various witnesses shown that a sum amounting, I believe, in the total to twelve thousand dollars was actually raised for the purchase of arms, for what is protection, as they say, at the polls. These arms, samples of which, gentlemen, you saw before you, would undoubtedly cost fifty dollars each. Does the defence bring on this stand the man or men from whom these arms were purchased, or show the source whence the means were derived? Gentlemen of the commission, they could do it, but they dare not; the burden of the proof has been thrown upon them, and they have failed to respond.

They have labored hard to show the excited state of public feeling in Chicago at the time of the election, and the anticipations in which democrats indulged that there would be a disturbance; but this, gentlemen, is not sufficient to account for the arms found in Walsh's possession. Men did not usually go to the polls with muskets on their shoulders. These weapons, gentlemen, are intended for open warfare. But Walsh's own confession explains the use to be made of those arms. He brought these Illinois copperheads "to vote there and to fight them;" and these desperadoes came under the promise of a thousand dollars each to participate in the expected anarchy. They came with the full knowledge that they were violating the laws of the country; they admitted that they were going to Chicago to commit felony. We show that they were intending this as well as the greater crime of conspiracy.

In connection with the means which these Sons of Liberty would employ to preserve, or, as it really appears, to break the peace, in the city of Chicago, I should refer to the conduct of Mayor Sherman, of that city. The democrats would put arms into the hands of voters that they might preserve the purity of election. They would not, however, permit arms in the hands of any but democratic voters. Admirable consistency! It was shown by Mayor Sherman that Union voters of different nationalities called upon him for arms to aid in the preservation of the peace during the election. Judge Morris, we find, also called upon the mayor, but he protested against the arms being given to any party. The simple fact is that the insurrectionary party *were* armed, and they were naturally very desirous that their opponents should remain unarmed, that there might be no question as to the result of the strife.

With respect to the cartridges at Walsh's house, the accumulative testimony of many witnesses goes to show that cartridges were manufactured there, and

that they were found there when the arrests were made; and I am truly sorry that he should have permitted his daughters to come here upon the stand to testify to that which we cannot believe. No one who has been present during this trial but must have noticed their affectionate attachment to their father. Their affection, their bias, has affected their testimony, and the cause of the accused is injured rather than benefited by their testimony. The cartridges were bunglingly made; the powder found in them was the same as that found in the kegs, and the same as that found in the loaded guns; cartridge paper was found in the house, some of which was cut up and found in the process of being manufactured into cartridges. The evidence on this point is so conclusive that I cannot conceive how any human being can avoid the conclusion that these cartridges were manufactured in Walsh's house.

Considerable stress has been laid on the fact that Langhorn did not tell General Sweet *every* opportunity respecting the arms and munitions stored at Walsh's. Sufficient was told by Langhorn that when General Sweet ordered the arrests to be made they found the arms, munitions, and manufactured cartridges, just as Langhorn said they would.

In respect to the testimony of Obadiah Jackson concerning General Sweet, I believe that a reasonable explanation of all these matters would entirely exculpate that officer. I believe him to be as pure and upright an officer as there is in the service of the government to-day; I believe it in my heart, and I assert it. In beautiful contrast to what I am compelled to call the contemptible attack of Mr. Asay, stand the arguments of Mr. Hervey and Judge Key. I honor such men—men who stand up and state what they believe, and make no underhanded attacks; for I must say that the attack of Mr. Asay *was* underhanded and cowardly.

During the progress of this trial you cannot put your finger upon a word that he uttered against Colonel Sweet—not one. During the progress of this trial as I know, that officer held in his hand the good name and reputation of Mr. Asay. But he forbore, and used him generously; he acted magnanimously towards him. After General Sweet's mouth was closed—

(The judge advocate was here called to order by Judge Wilson, but the commission declined to interfere. The judge advocate proceeded:)—after his mouth was closed, and he had left this court, and had no chance to be heard, then Mr. Asay makes an attack upon him unworthy any lawyer in any court.

Judge Key, a man who has been in the military service, and has perilled his life in the cause of his country, in the candor of his nature said that Colonel Sweet did his duty in arresting every man that he suspected to be connected with this conspiracy. Here, again, is my friend Hervey, a man who has two sons battling with the enemy—he does not blame General Sweet. This is the difference. I want therefore to say one word in defence of a brother officer; it is my duty, and I would do it for each of you were you attacked behind your backs, and for any brother officer whom I believed to be unworthily attacked, and I would expect the same at your hands for me. The testimony is as follows:

“Q. When Colonel Sweet spoke of permitting you to escape was it not simply saying he would release you if you would assist him in getting S. Corning Judd, the grand commander?

“A. He was to have it reported that I had escaped. I was to be released to go to Judd and find out what he had done, or, in connection with this transaction, to get some evidence against Judd.

“Q. Do you know by any direct testimony that anything he said was not true at the time?

“A. No, sir.

"Q. Was there any effort on the part of Colonel Sweet to entrap any person into any act that was not true ?

"A. No, sir, I do not know of any."

Is there anything criminal or blamable in this ? Take General Sweet's position into consideration. He believed that a conspiracy existed—a hellish plot to turn loose the rebel prisoners under his care, and to lay waste the beautiful city of Chicago. Who believes it to have been wrong, in view of these facts, to endeavor to find out what Judd had done, and what was his connection with this hellish plot ? There was no attempt to entrap him, as has been stated by the counsel ; but it was an effort made to find out his connection with this transaction—nothing more. And in this he did simply what was his duty.

In all the glowing periods of Mr. Asay—and he is certainly an eloquent man, a man of ability and genius, and I concede it freely—I wish I possessed his eloquence—and this was the climax of his eloquence, that General Sweet said that if things came out all right he would be a brigadier. What does this mean ? What but that if he did his duty ; if his judgment was clear ; if he had the nerve and energy to strike the foe before they could strike the government and the homes of a sleeping people—that then his services would be recognized and rewarded. But if he acted hastily, without reason and judgment, that he would be punished as he deserved to be. That is all that it means—no less and no more. Is this a "conspiracy" for which an officer is to be crushed ? The evidence shows that General Sweet did his duty and nothing more, for, as Judge Key has well said, it was his duty to arrest every man whom he suspected.

I must here refer to a misstatement of the counsel. Mr. Asay quotes, or rather misquotes : "I will have Judd put in irons ; and when I have had him in irons twenty-four or thirty-six hours I will make him tell anything." But what is the fact ? The witness simply states that Colonel Sweet said "they would tell what they knew after they were in irons twenty-four or thirty-six hours." No such statement was made by the witness as that Colonel Sweet could make them tell anything, but simply that they would tell what they knew. Colonel Sweet wanted to get at the truth of the matter to save that city and that people ; and if he had evidence that this man knew of the enterprise, was he not justified in using fair means to arrive at a knowledge of the facts ? Think you, gentlemen, that I would hesitate to put in irons for twenty-four or thirty-six hours a man whom I suspected of being the murderer of our President, or the assassin of that sick and disabled old man the Secretary of State, in order that I might obtain the information I believed he could give in relation to these horrible deeds ? In the same way, I contend that Colonel Sweet was not only justified, but that he would have been recreant to his trust as an officer of the government if he had failed to use every lawful means within his power to stay the hands that were ready to move upon that city, and shed the blood of white-haired old men and innocent women and children. What had he to expect from men of the stamp of Grenfel, who had threatened to raise the black flag ? Was he not justified in asserting that he would put in irons for twenty-four or thirty-six hours any man that he had good reason for believing was implicated in this foul plot ? And yet, this is what this officer is maligned for, and for which they would tarnish his reputation for all time to come if they had the power to do so. The reputation of this officer is not only unsullied by the testimony in this case, but he is shown to have acted with an energy, a devotedness to the public good and a singleness of purpose, in staying and bringing to light this conspiracy, for which he will ever receive the thanks of all loyal citizens.

That the men Cantrill and Daniel, who were found on the roof of Walsh's house on the night of the arrest, were introduced to Walsh for the first time at the supper table may possibly be true ; however, I confess my inability to believe it. That Charles Walsh, the father of the young ladies who have testified on this stand, should leave these strangers under his roof—men of a class that has

been correctly described by General Sweet as of a subtle and wolfish aspect—with no male protector in the house, and the mother sick and confined to her chamber, is so improbable that I cannot but reject it as untrue. If Walsh had previously known these men, and in anticipation of future results pretended that they were strangers, then I can account for the fact of his leaving them with his daughters on that occasion, but on no other hypothesis can I account for his conduct. Besides, it is in evidence that these men were in Chicago in August; it is in evidence that Walsh heard of this intended uprising in July, and although we have no evidence that they had communication with Walsh, it is a probability that goes far to explain what otherwise is wholly inexplicable. Of Cantrill we have nothing to say, as he is not yet on trial. Daniel is known to be a sharp, designing, unscrupulous man—a man whose antecedents all show him to be a fit instrument to carry out this conspiracy—a man ready to act in such fiendish work, and with a kind of ability that would enable him to ride the whirlwind and direct the storm. These men did not, in my judgment, go to the house of Charles Walsh as strangers.

Respecting the testimony of the witness, Hull, as relating to Grenfel, I must now call your attention for a short time. He testifies that he learned from Anderson that an Englishman was to take the leading part in the insurrection, and that also he believed his name was Grenfel. This witness has been most bitterly attacked by the counsel for the defence. His own brother has been brought here as a witness to endeavor to prove him to be insane; but the witness testified that his brother's brain had been somewhat injured by hard study at college, but not so much as to prevent his becoming a practicing lawyer, and that he has since supported himself by the practice of his profession. He further testifies that he has never needed a guardian, from which we may infer that his insanity was not such as is usually found on the other side of the walls of an asylum, but rather of the sort usually found on this side. It is not often that an idiot is admitted to the bar, though it may be that a great many become insane after they are there. An endeavor has been made to show that he testified from revenge toward Grenfel. But the witness for the defence simply says that he would revenge himself on Grenfel by telling the truth. That, gentlemen, is the kind of revenge we ask for. A testimony prompted by such a motive, if true, is perfectly admissible. The accusation against this witness, Hull, calls to my mind a species of revenge which God forbid I should lay to the charge of the defence in this case, but which so intimately concerns this prosecution I must refer to it, for it has been indulged in by the friends of this conspiracy and the enemies of the government, and to our serious detriment in this very case. An important witness in this case was the man Jeffries; he was possessed of most important information which might have gone far to throw light upon this case. He was taken from this city the day after I had an interview with him in my office, and there, in the woods of Kentucky, he was ruthlessly and cruelly murdered!

There are two sides to this case; two sides for the manifestation of sympathy. While here is an old white-haired man before you, whose everything is at stake; while here is a father, a generous, open-hearted, and impulsive man, whose all is at stake; and here is a soldier, who has fought in every clime, and who has taken up his sword to destroy life in every cause, whose everything is at stake; yet, there is, on the other side, your government at stake.

If these men be guilty, justice to the nation demands of you this day that you should convict them, and you must not waver. In the consideration of this case you must bring to your aid a power that may be a little more than is ordinarily given to human nature. You must for the time sink all hatred, malice, even human sympathy, and rise, God-like, to determine the truth and adjust the punishment.

That these accused would enter upon the commission of so heinous a crime I can scarcely permit myself to believe. They have made a strong appeal to

your sympathies. My friend Hervey has won us with his eloquence. Each counsel, with the faith that was in his heart, has advocated the cause of his client with an earnestness and an eloquence that does him honor; and here let me say that I do truly honor the high-toned and able gentlemen who have taken part in this case; I shall always respect them and bear them in kindly recollection.

But there seems to have been something, during these four years of the nation's trial, that has appeared to paralyze the native instincts of the American heart. This phantom, this siren of secession with her enticing song, seems to have lulled to sleep the better part of human nature. At the sound of her voice and the flash of her eye, men have sprung to arms, to grapple with the life of the nation, because it was free! They have followed, at the beck of this siren, over desolated homes; they have trampled over the dead corpses of murdered brothers and innocent women and children. They have blackened the land with desolation, and made it the abode of moaning and woe. She has blinded while she has demoralized them. Old men, forgetting their white hairs, have joined in the conspiracy at the beck of this phantom, which has taken out of the human heart its heaven-born instincts, to plant there those of vengeance and the thirst for blood.

My tongue falters as I look over this country and see bereaved widows and orphans, the white-haired patriots that mourn for the first-born that shall never greet them again, and those who sit at the desolate hearth, with hands upraised, waiting for the knock that will be but the death-knell of all their hopes, and think that the phantom of secession has caused all this!

Men who were kind fathers, kind husbands, and noble patriots, have forgotten it all in a day, and have become traitors, and inculcated doctrines that have, by the hands of friends, stricken down that patriotic and noble leader of the human race. There is something in it which no man can comprehend. The doctrines which they inculcate harden the heart and nerve the arm to crime, enabling them to commit robbery, arson, and murder—for all is in her category; and as they commit those crimes they appeal to God for the justness of their cause. That is what has deceived these men; it is this accursed phantom of secession that has blinded their eyes, that has cooled their hearts, and filled them with vengeance. It is this that has changed and perverted the human instincts that should have ruled in their breasts. For this man Walsh I have simply to say: The evidence is as you have seen it. I have briefly sketched it; I will not dwell upon much that ought to be said; I cannot. The testimony is voluminous, filling 2,000 or 2,500 pages. I have had but a few days to scan through it; I have given you only the leading points, and you must judge. I would not say one word that would take from this family their father; but if this man was guilty of this crime, or has aided or abetted this conspiracy, you have but one duty to perform. You must know no man, be influenced by no bias, betray no sympathy, but must be firm in the performance of your stern duty. There are thirty millions of suffering people in this land, and against these, one man's life, if guilty, weighs little in the scale of justice. We have, unhappily, in the history of this war, frequently seen sympathy manifested for criminals, rebels, and traitors—those who have brought this great injustice upon the true and the loyal. It is not mercy to acquit those guilty of cruelty to a people who are struggling for their very existence; it would be cruelty to our brave soldiers and to those who have been left widows and orphans.

As to Judge Morris, for his white hair and old age I have only respect. For all that is worthy in him as a citizen I do him reverence; but if this white-haired old man has engaged in a conspiracy against my nation and my country, I turn to the other side, and see white-haired patriots who mourn in sadness because such as he have done these evil deeds—and I remember justice!

As to this man Grenfel, I confess I have no sympathy with him; no sympathy

for the foreigner who lands in our country when this nation is engaged in the struggle for human rights and human liberty, and who takes part in the quarrel against us, and arrays himself on the side of those who are trying to establish tyranny and slavery. I have no sympathy for the man whose sword is unsheathed for hire and not for principle; for whom slavery and despotism have more charms than freedom and liberty. The motive of such a one does not rise even to the dignity of vengeance. As has been said by his counsel, his sword has gleamed in every sun, and has been employed on the side of almost every nationality, and after this he engaged in our struggle, and, as testified to by Colonel Moore, desires to raise the black flag against our prisoners; and after men have yielded as prisoners of war he rides up to one, and stabs him, coward-like, in the back.

But he is not true to the cause he espouses. When in Washington, he went to the Secretary of War and betrays the very people with whom he had been fighting; tells all he knows of the strength, position, and designs of the confederates. He said he proposed to leave immediately for England, but he breaks his faith, proceeds to Canada, and is found among the conspirators, and is now here, charged with these crimes to-day. There is no throb of my heart that beats in unison with such conduct as this. He was a fit instrument to be used in this enterprise. What to him would be the wail of women and little ones! What to him would be the pleadings of old men and unarmed citizens?

I say, then, to the learned counsel, while you plead for these accused with an eloquence that must move all hearts that have human sympathy, I must plead for my people; I plead for the soldier who has perilled his life to save his country; I plead in behalf of the memory of those who have sealed their patriotism with their life's blood; I plead for their wives and their orphaned little ones; and I plead in behalf of my country that they would divide and destroy. Mercy has her claims, and justice hers.

My sympathies are with those who would maintain, not with those who would destroy freedom; my sympathies are with those who love the land of their birth and respect its laws, and not those who hate the one and violate the other. My sympathies are with those who would aid in the attainment of the highest freedom, the highest civilization, and the greatest good and liberty for all, and not with those who would perpetuate human bondage and a dark and selfish despotism; not with those who fight against God's best gifts, and engage in a damnable rebellion to attain their ends; against such my voice will be raised forever and aye.

It should be borne in mind that this was an extemporaneous argument taken in short-hand, and that I have never seen it since it was written out. It must be exceedingly disjointed and fragmentary. It will, however, give to the reader, I think, the salient points of the case.

BURNETT.

Reply of the judge advocate to the arguments of counsel in the case of Charles Travis Daniel.—February 28, 1865.

The evidence on behalf of the prosecution in the case against Charles Travis Daniel having been adduced in full, the same being publicly announced and entered of record, it became the privilege of the accused to either submit his case to the judgment of the court, or to show in extenuation of his guilt any circumstances militating against the testimony of the witnesses condemning him. To properly determine what course he should take, he is authorized to receive the advice and information of his counsel. With their best judgment to guide him, he makes his choice; they, however, are but aids to his enlightenment. They are adjuncts and not principal, accessories and not the chief. It is the province of the defendant, and of him alone, to say to the court, or commission, what course he will take when called upon to answer the allegations against

him. As he must in person answer "guilty or not guilty" to the charges and specifications when read to him at the beginning of his trial, so when the case for the government is completed he must in person answer whether he has aught to say why judgment should not therefore be entered upon the case as recorded. If he shall say he can explain away many of the seeming wrongs laid to his charge, the law allows him counsel to assist to do this in legal form. If, on the contrary, he shall say verbally or otherwise, that he cannot defend, by competent testimony, the crimes imputed to him, the court has no other duty to perform than to deliberate upon the case as thus left in their hands, and record their findings and sentence upon the minutes of the court. Counsel cannot take the place of the accused. They are merely the lights that guide his progress while he appeals to the tribunal for an acquittal. While in possession of all his faculties, and of sound mind, he cannot say he is guilty, with a power in his counsel to deny it. It cannot be allowed that he may submit his cause to the court, with a veto power of his attorneys to negative such submission. Neither may he abandon his cause, with just expectation that, like a waif thrown away by a thief in his flight, it will be taken up by his counsel and nurtured and fostered and moulded in his absence to either his advantage or their edification. The defendant, and he alone, is answerable for the merits or demerits of his cause. No earthly power can change this responsibility; and as he answers to the court so must its deliberations be shaped. There is no such thing as a proxy in guilt; there can be no substitution of others for the wrong-doer. The right to defend against an accusation implies liability to answer if the charge prove true. Where this responsibility does not exist, the correlative right of disproof is also wanting; and if attempted, it is gratuitous, as not coming from parties to be affected by the result.

A consideration of the position of counsel before military courts will render these principles here most especially pertinent.

De Hart says, page 132, 133: "This privilege of the prisoner to have a friend (*amicus curiæ*) is of advantage to all, by the assistance rendered to the accused and to the court, by frequently restraining the conduct of the prisoner.

"The counsel for the prisoner (*amicus curiæ*) has a seat near the prisoner and instructs him what questions to ask, which are written upon slips of paper and handed by the prisoner to the judge advocate. Whatever points may arise in the course of the trial, on which remarks or arguments are deemed necessary by the counsel, must be referred to in that way in writing, as this person is not permitted at any time to address the court during its proceedings. Courts-martial have always been tenacious on this point, and to a certain extent not permitting the counsel to interfere in the proceedings by remarks or by pleading and argument, is very wise and necessary."

Upon the same subject Benét, page 65, says: "Article VI, amendments to the Constitution, declares that in all criminal prosecutions the accused shall have the assistance of counsel for his defence." "And all writers on military law without exception admit it to be the custom to allow a prisoner to have counsel, or at least an *amicus curiæ* or friend of the court, to assist him in conducting his defence. This assistance is strictly restricted to giving advice, framing questions which are handed by the accused to the judge advocate on separate slips of paper, or offering in writing through the same channel any legal objections that may be rendered necessary by the course of the proceedings. It is an admitted maxim in all courts-martial that the counsel is not to address the court or interfere in any way in the proceedings. His presence is only tolerated as a friend of the prisoner."

Now with this explicit and minute detail and declaration of the limited right, authority, and power of counsel when sitting by the side, in the court-room, of a defendant, what show of reason is there in the position that in his absence their powers have increased? If when the accused is present counsel cannot them-

selves ask a question, save through him, how can it be said they have this right when he has abandoned his case, deserted his counsel and placed himself beyond the reach of process? How novel the proposition that the power of the attorney increases in direct ratio with the distance between him and his client!—that with the defendant hastening his flight of confessed guilt to Canada, or the rebel army, the power of the counsel to vindicate his innocence is increased, and their right to stand in his place *for all purposes save punishment* rendered more sacred!

With what consistency can the commission listen to asseverations of innocence from those who themselves know nothing of the case but from hearsay, when the principal has himself declared at each step of his clandestine flight that the charges made against him by the government were true, and that having no excuse for his misdeeds, he fled to escape merited punishment?

It is certainly a new feature in criminal jurisprudence to declare that a defendant finding his guilt exposed, may secretly betake himself to the realms of his country's enemy, where no extradition treaty can reach him, and there, unmolested, by telegram and mail and courier, conduct here his defence as a vain parade, utterly unconcerned whether there is made a better or a worse record for him, and caring not whether he be declared guilty or not guilty.

The inquiry is equally as thankless and undignified if it be admitted that the whereabouts of the defendant is unknown and that he shall keep himself hidden.

The important fact looms conspicuously through every hypothesis that the defendant is no longer bodily in court; that he has fled the very moment the government called upon him for his defence; that he has turned his back upon this court and its authority, and scorns the idea of her power to punish him or to declare his punishment.

Let the finding in his case be as it may, he is not holding himself amenable to the sanction of the law. He comes not to judgment, but defies the government to disturb his secure concealment. How vain a thing, then, for this court to sit idly here and permit counsel to enact a scene which the defendant himself eschewed, in which he takes no part, and at which he scoffs from his covert retirement. I do not believe this commission will stultify itself by so impotent a proceeding.

Had the counsel for the absent defendant contented themselves with the declaration that the escape of the accused was to them a great surprise, which they much regretted, but which ended their connection with his cause, it would have seemed to be a more fitting finale to the case than does this effort to reconcile his flight with innocence, and to purify his crime-stained, self-acknowledged record.

I ask the commission to proceed now to deliberate upon the case of the defendant, Daniel, to make their finding upon the issues involved, and the sentence upon those findings.

I submit that this does no injustice to the defendant, contravenes no rule or principle of the law, and is in full accord with justice and all right reason.

For authorities in support of such a course, I propose simply to cite certain late decisions in similar cases by the supreme court of Ohio, and also by the supreme court of Indiana.

The first case is from the Ohio Reports, volume vii, page 180—*Charles Fight vs. the State*. The plaintiff was arraigned at the August term of the Brown common pleas court, pleaded not guilty, and, on his motion and giving security, the prosecution was continued to the November term. He was placed on trial before the jury on the fourth day of the succeeding term, and the testimony being partly heard, the court adjourned until the next morning, at which time the court met, and the plaintiff being called, made default. The court then issued a bench-warrant for the plaintiff, and proceeded to charge the jury. On the next day the jury rendered a verdict of guilty, which was received by the court in the absence of the plaintiff. At the succeeding March term, the

plaintiff asked for a new trial, assigning among other reasons that the jury had heard only a part of the testimony, and that the verdict was brought in during his absence. This was overruled, when the plaintiff moved an arrest of judgment for substantially the same reasons. The case was argued before the supreme court, and the opinion delivered by Judge Wood was concurred in by all the court.

The synopsis gives the point of the case in these words:

"Where, pending a trial upon a criminal prosecution, the accused, being on bail, absconds, it is legal to proceed with the case and to receive a verdict of guilty in his absence."

The opinion of the court is as follows:

"In England, in misdemeanors, where the defendant is on bail, a trial, a conviction, and sentence may be had in his absence. He is present or not at his option. In felonies a different rule, it is true, prevails. The accused must be present when every principle of the law is discussed and determined in which he is concerned. The reason of this difference in the mode of proceeding in the two cases cannot, perhaps, at this time be satisfactorily ascertained, or, rather, no satisfactory reason can be given for it.

A prisoner in close custody may be so easily oppressed and deprived of his rights, and it would be so extremely difficult for him to make known his injuries and obtain redress, that to prevent unnecessary restraint, and to afford the accused an opportunity of being fully and fairly heard, the rule in reference to him may be reasonable and salutary, but it would apply with force to all classes of offenders. But in felony, the accused is not necessarily confined within the four walls of the prison. Both before and after the conquest, all felonies were bailable by the common ancient law, (the Stat. Weston, 1 and 3 ed., 1 c., 15; 23 Hen. 9 c., 9; and 1 and 2 Ph. and Mar., c. 3,) except treason and murder; and certain other crimes from those for which the King's justices may bail. (Bl. Com., 4 vol., 208.) But the court of king's bench, or any judge thereof in vacation, may at their discretion admit persons to bail in all cases whatsoever. (3 East, 163; 5 J. R., 169.) But none can claim this benefit *de jure*. (2 Hall, 129.) If in bail, I apprehend, neither the courts of Great Britain nor the United States would proceed to impanel a jury in a trial for felony, unless the accused were present to look to his challenge. If the trial, however, is once commenced, and the prisoner, in his own wrong, leaves the court, abandons his case to the management of counsel, and runs away, I can find no adjudged case to sustain the position that in England the proceedings would be stayed. Such a case must form an exception to the general rule, and the verdict may be legally received in the absence of the accused. The prisoner cannot be deprived of his right to be present at all stages of the trial, but that he must be, under all circumstances, or the proceedings will be erroneous, cannot, we think, be sustained.

The next case I shall cite is from volume 4, Indiana Reports, page 39. It is an opinion delivered by Judge Perkins, of this State, in the case of McCorkle vs. The State. I shall read only that portion of the opinion applicable to this point:

"The Constitution and laws provide that a defendant in a criminal case shall be present at his trial. This is for a twofold object:

"1st. That the defendant may have the opportunity of meeting the witnesses and jury face to face, and of directing the causes of his trial.

"2d. That the State may be in possession of his person, so that judgment may be executed thereon.

Now the question is, are not these provisions, so far as they are in favor of the defendant, designed to confer a privilege which he may waive? He can waive a trial altogether and plead guilty. He can waive the constitutional and legal privilege of trial by jury. He can waive the constitutional and legal privilege of being a second time put in jeopardy. And shall it be said that he can-

not waive his privilege of being present when his witnesses are examined, or any one of them? Then did he, as a question of fact, make such a waiver in this case? If he had voluntarily arisen in court and asked to be absent in the custody of an officer or otherwise, for a period of time, requesting that the trial should proceed in his absence, the waiver would be clear. But how does such a step differ in substance from a voluntary departure, without asking that the trial shall stop? In one case the consent is vocally, in the other tacitly, but equally clearly, expressed."

This was a case in which the prisoner absented himself during a portion of his trial.

The next case in point is reported in the sixteenth Indiana Reports, page 357, *The State vs. Warnire*. The opinion was delivered by Judge Perkins, and is the last case in point on record that I know of:

"3d. The court is not bound to discharge the jury because of the voluntary absence of the defendant during the trial, he having been present at the commencement, (*McCorkle vs. The State*, fourteenth Indiana, 39; *Fight vs. The State*, seventh Ohio; *Ham. Reports*, part 1, page 181,) but may proceed on to verdict, at all events, in his absence."

In all the cases I have cited the authorities go further than I ask the commission to proceed. I do not propose to introduce testimony in the absence of the accused, but simply to present the case to the commission upon the evidence already introduced, and upon this evidence I ask the commission to proceed to its finding and sentence. The reason for such a course is stronger in a court of this kind than it would be before a civil tribunal. The moment I am able to say to the commission, "the evidence in the case is closed," the accused would have to withdraw by the rules of the court, and the court-room would be cleared, and the commission would at once proceed to deliberate upon the evidence, and to arrive at their finding and sentence.

When that finding and sentence is arrived at, it is not made known to the accused by this commission; it is not known as possessing vitality or even existence until it has been submitted to the convening authority, and by him reviewed and approved.

If approved it is made known to the accused by the commanding general, or, in technical phrase, it is "promulgated" in general orders.

In this case the accused has waived, as is frequently done by prisoners, his right and privilege of introducing rebutting testimony, and also his right and privilege of submitting his final appeal or address to the commission.

I therefore submit the case to the commission, and ask them to proceed to their finding and sentence.

It is urged that the action now sought for by the government will prejudice the remaining defendants. This certainly cannot so operate in the present case any more than in the two cases of *Semmes* and *Marmaduke*, already passed upon, and one of which was submitted by the present contending counsel.

EXHIBIT U.

Statement of George St. Leger Grenfel.

I was a captain in the British army during the Crimean war, and came to this country in 1862, by the way of Havana and Charleston, with the intention of joining the confederate service. I went from Charleston to Richmond, where General Lee appointed me aide-de-camp to General Beauregard. On my way to join General Beauregard I met John Morgan and joined him. This was in March, and I remained with him until December of 1862, when he was about marching into Kentucky. I, though a private, was acting as his adjutant general; and we



had a conflict on a point of duty, in which he got exceedingly angry. So I left him and reported to General Bragg, who made me inspector of cavalry, and with whom I remained until July, 1863. I was made inspector on Wheeler's staff April 5, 1863. I remained on Wheeler's staff until two or three days before the retreat from Tullahoma, when I obtained a leave of absence and went east, where I was put on duty with General Stuart. I resigned on the 21st of January, 1864, and my resignation was accepted. I immediately joined General Morgan again as a volunteer. He had then just returned from the Ohio penitentiary, and was at Richmond. I was offered an appointment as a captain with Morgan, and refused to take it. He would not allow me to remain as a private and at the same time act as adjutant general. I did not want to take the oath—I did not even while I was inspector; and as I could not be adjutant general I concluded to leave the service altogether. I got my passport at the office, and on Saturday got a letter from President Davis, asking me to call on him. He told me he did not wish me to leave. He offered to make me inspector general of all the cavalry with the rank of brigadier general; but I refused, stating that it was my fixed purpose to return home. I left Richmond on the 9th of May. We were stopped at Petersburg (it was at the time Butler landed at Bermuda Hundred) and made to get out of the cars. They wanted to put us in the works, but I refused. The next day we reached Weldon, where the cars were taken to bring Pickett's troops from Winston. We were obliged to leave the cars again at Goldsboro for the same reason; but the next day I reached Wilmington, and sailed, on the blockade-runner Helen, on the 12th of May, and arrived at Nassau after a passage of five or six days.

The number of troops that Beauregard took up from Charleston was estimated at from twenty-five to thirty thousand, and, in addition, Pickett's division of eleven or twelve thousand. Pickett was just about moving to attack Newbern, when Butler's move recalled him.

Stuart's cavalry command mustered, in all, 8,000 men in the saddle, not more. The horses were in good condition. In December or January Fitz Hugh Lee went down into the valley of Western Virginia and fed up his animals. When Kilpatrick made his raid Stuart could not raise more than 450 men. Fitz Lee had disbanded his force, and Hampton had but two hundred or two hundred and fifty. I am positive, for I was there at the time. There was nothing to prevent his marching into Richmond. I was out and saw them when they shelled the fortifications. He was only 400 yards from the town, and there was no force to hinder him. I was at Elzey's headquarters in the morning, and saw General Wise come in, who had just escaped being captured.

In regard to the cavalry in the army of the Tennessee I know but little of Forrest's; for he left Bragg and was with Van Dorn. I inspected his force, but cannot say what it is. Wheeler had when I left about twelve thousand men. Stuart's cavalry was put down at 19,000; and he was very angry when I made my report showing how much less it was. Some companies drew rations for sixty men when there were only three in the company. Roddy had one regiment about 1,200 strong. I think Wheeler's force must be very much reduced for want of horses. Forrest has entirely given up his command. He had a quarrel with General Wheeler in regard to the loss of Martin's brigade at Duck river, and Bragg obliged him to leave. Forrest's present command is said to be 20,000 strong. He is no friend of the president's.

Morgan left Wytheville with about 1,500 mounted men and 1,200 dismounted, for whom he expected to find horses in Kentucky. Buckner joined Longstreet at Gordonsville almost without a command. He is one, also, whom the President does not like in common with Price, Breckinridge, and Morgan. He reduced Morgan to three hundred men, took away his three regiments and gave them to Colonel Grigsby, whom he made a brigadier general. While speaking to the President I told him it was wrong to treat Morgan thus, and promote a

man who could not command a regiment. He denied having promoted Grigsby; when I told him that though he was not confirmed, yet he had signed his commission. The moment it was known Morgan was to move into Kentucky, applications were made by thousands to accompany him, and whole companies deserted to go. He was under Breckinridge's command until that officer moved from Abingdon; but he got no men from Breckinridge, for he had none to give him. Lee at last asked a stop to the transfer, or Morgan would have a larger army than himself.

Lee's army was in fine health and spirits, and will fight well. He drew rations for one hundred and thirty thousand, including non-combatants, such as teamsters, and rations are rather scarce. They got five million pounds of bacon—German, mostly—on four blockade runners that reached Wilmington the other day. A short time ago they obtained a large amount of sugar and molasses, and issued that instead of bacon; the soldiers were obliged to trade it to the sutlers for what they could get. Four blockade runners entered Wilmington the day I left. They only allow useful articles now. It is more difficult, however, to run the blockade now that the fleet is seven or eight miles off than while it was just at the mouth of the river. Their iron-clad went down and drove off the fleet, but, in going back, grounded on the reefs and broke in two. They are taking her guns out. There were two regiments of heavy artillery and one of infantry at Wilmington, under General Whiting, when I left; but I understood they were ordered to Richmond soon after. Whiting was sent back by General Beauregard in disgrace for allowing some of Butler's forces to escape.

Their artillery is much poorer in all respects. The ammunition is mostly home-made, of two sizes.

The south side of Richmond was defended by hardly any works, but I presume they have them now. It was much the weakest. They started to send away the women, but the clamor of the papers made them stop.

There must be 160,000 non-combatants there. Were they away I think the city could stand a siege of seven or eight months. By cutting the railroads south they would be entirely deprived of supplies.

Ewell is in very poor health, and worn to a mere skeleton. Bragg does not influence Davis, but yields to him in every way, and defers to his opinion.

EXHIBITS IN THE CASE OF UNITED STATES vs. CHARLES WALSH AND OTHERS, NOT FOUND IN THE BODY OF THE RECORD.

B B.

[Special Orders No. 171.—Extract.]

HEADQUARTERS DEPARTMENT OF THE MISSOURI,

St. Louis, June 25, 1863.

3. * * * Vincent Marmaduke, of Saline county, Missouri, a disloyal citizen, will be sent to Uity Point for exchange with the first prisoners hereafter sent to that place.

By command of Major General Schofield :

J. A. CAMPBELL,
Assistant Adjutant General.

H. L. BURNETT,
Judge Advocate, Cincinnati, Ohio.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,

St. Louis, Missouri, January 5, 1865.

True copy :

J. W. BARNES,
Assistant Adjutant General.

C C.

Taken from Colonel Ben. Anderson's valise by Captain Mahon.

Passage Gen. B.	\$3 50
Porterage	25
Hotel bill, cente	2 50
Porterage	25
Passage Telegraph	4 00
Paper for leaves, &c.	25
Lodging	1 00
Hotel bill, cutt	4 00
Ink, &c.	50
Dinner	50
Carriage to Louisa	6 00
Hotel bill	3 00
Whiskey for guerillas	3 50
Dinner and break.	1 00
Spur	75
Lodging, &c.	2 00
Shoeing horse	1 25
Dinner for self and horse	1 10
Hotel bill, paints, oils	5 75
Hostler	50
Stamps	2 00
Hotel bill, Louisa	7 00
Horse, &c.	8 00
Hostler	1 00
Tavern bill	3 00
Hostler	50
Horse	10 00
Hotel bill	8 00
Passage New Ranger	3 00
Hotel bill, cutt.	7 50
Porterage, &c.	1 00
Passage Telegraph	8 00
Horse not charged	10 00
Expenses not included above	8 50
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NOTE.—“Whiskey for guerillas, \$3 50.”

MCLEAN BARRACKS, CINCINNATI, OHIO,
February 15, 1865.

I hereby certify that about the first day of January, 1865, the enclosed paper was found in, and taken from, the valise of Colonel B. M. Anderson, a prisoner under my charge, and that I found the paper, and took it from the valise myself. I immediately forwarded it to headquarters, Cincinnati, Ohio.

WILLIAM MAHON,
Captain Thirty-sixth Iowa Infantry, Cavalry Barracks.

G G.

Constitution and by-laws of the Society of the Illini, of Chicago.

CONSTITUTION.

SEC. 1. This association shall be styled "The Society of the Illini."

SEC. 2. The officers of this society shall consist of a president, two vice-presidents, a secretary, and treasurer, who shall act as an executive committee for regulating the business of the society.

SEC. 3. All officers of this society shall be elected by a majority of those present at the semi-annual meetings of the society, and shall hold their respective offices for the period of six months, and until their successors shall be duly elected.

SEC. 4. The president shall preside at all meetings of the society; and in the absence of the president the vice-presidents shall preside at all meetings, in the order of seniority.

SEC. 5. The secretary shall keep such books of the society as the society may from time to time, by resolution or order, direct, and shall conduct such correspondence as the society, or executive committee, may direct.

SEC. 6. The executive committee shall, by such means as they deem most effective for that purpose, form and establish a more perfect organization of this society. The times of meetings, and mode of proceedings, of said committee shall be prescribed by themselves, and they shall appoint such officers as they shall deem proper.

SEC. 7. All sums subscribed to this society shall be paid to the executive committee.

SEC. 8. The society shall hold a weekly meeting on a stated day, and semi-annual meetings on the 22d day of August and 22d day of February.

SEC. 9. Any vacancy in any office of the society shall be filled by the society at the weekly meeting which takes place after the happening of such vacancy.

SEC. 10. This constitution may be amended, on the motion of any member who shall, at a regular meeting, file his motion in writing, with a copy of the proposed amendment, which motion shall lie on the table until the next regular meeting of the society, when it may either be adopted or rejected, or modified, by a two-thirds vote of the members present.

SEC. 11. The officers of the society shall be elected by ballot, by a majority of all members present, if a quorum, at the semi-annual meeting, or time appointed for such election.

SEC. 12. The purposes and objects of this society being the more perfect development of the literary, scientific, moral, physical, and social welfare of the conservative citizens of Chicago, and for mutual assistance and aid to the families of its members, and to secure the triumph of democratic principles, we do pledge ourselves to each other to maintain and adhere to this constitution, and to use all honorable efforts to secure the authority of democratic principles in the administration of the government.

BY-LAWS.

Meetings of the society.

RULE 1. Regular meetings of the society to be held on Wednesday, each and every week. Notices of special meetings shall be served by the sergeant-at-arms on each officer personally, or by leaving notices at his usual place of abode, or in the post office, or by publication in some newspaper, as the society may from

time to time direct. The sergeant-at-arms shall have charge of the society rooms, and give his attendance at all meetings of the society.

Order of business.

RULE 2. 1. Reading of the minutes of the preceding meeting or meetings; amendment and approval of the same. 2. The presentation of communications. 3. Reports of officers. 4. Initiation of members. 5. Reports of standing committees. 6. Unfinished business of preceding meetings. 7. Miscellaneous business.

RULE 3. All questions relating to the priority of business shall be decided without debate.

Duties and privileges of the president.

RULE 4. The president shall preserve order and decorum, and shall decide all questions of order, subject to an appeal to the society.

RULE 5. Every member previous to his speaking shall rise from his seat and address himself to the president, and say, "Mr. President," but shall not proceed with his remarks until recognized and named by the chair.

RULE 6. When two or more members rise at once, the president shall name the member who is first to speak.

Duties of the secretary.

RULE 7. It shall be the duty of the secretary to keep a correct list of the members of the society, and to keep correct minutes of all business transacted by the society in a book or books provided for that purpose; and he shall enter upon the records the names of the officers elected by the society, with the date of their election, and issue commissions to all such officers; and he shall give proper and timely notice of all regular meetings of the society, and, under direction of the president or any other proper authority that may be provided by the rules, issue notice of special meetings by leaving (or causing the same to be done) a written or verbal notice at the place of business or dwelling-place of the proper officer (as the exigencies of the meeting may require) stating the time and place of said meeting.

Duties of the treasurer.

RULE 8. The treasurer shall have power to receive and deposit, in some safe place, all moneys that may be paid the executive committee for the benefit of the society, and all voluntary subscriptions that may otherwise be made to the society. The treasurer's books shall at all times be subject to an examination by the executive committee or any other committee that the society may appoint for that purpose; and he shall pay all bills, when the proper warrant is drawn on him, and there are funds in the treasury to meet them. He shall make a regular monthly report of the condition of the treasury, and at any other time that the society may require.

Duties and privileges of members.

RULE 9. When a member wishes to present a communication, petition, or report, he shall rise in his place and address the president in the usual form, and, having briefly stated the subject of such communication or report, ask leave to present the same.

RULE 10. No member shall speak more than twice to the same general question, or more than once to a previous question, without leave of the society, or occupy more than — minutes speaking at any one time, nor speak more than once in any case until every member choosing to speak shall have spoken.

RULE 11. A member called to order shall immediately sit down, unless per-

mitted to explain. If there be no appeal, the decision of the chair shall be conclusive; but if the member appeal from the decision of the chair, the society shall decide on the question without debate.

RULE 12. Every member who shall be present when a question is put by the chair, shall vote thereon unless excused by the society, or unless he be directly interested in the question, in which case he shall not vote.

RULE 13. No motion shall be put or debated unless it be seconded. When a motion is seconded, it shall be stated by the president before debate, and by the clerk entered on the record.

RULE 14. After a motion or resolution is stated by the president, it shall be deemed to be in the possession of the society, but may be withdrawn at any time before decision or amendment.

RULE 15. If the question in debate contains several distinct propositions, any member may have the same divided when the same admits of it.

RULE 16. In all cases when a resolution or motion is entered in the minutes, the name of the mover shall also be entered.

Taking and entering votes.

RULE 17. If any member requires it, a division of the society upon any question shall be taken and entered on the minutes; but the ayes and nays shall not be taken unless called for previous to any vote on the question.

Precedence of questions.

RULE 18. When a question is under debate the only motions in order shall be—1, to adjourn; 2, the previous question; 3, to lay on the table; 4, to postpone indefinitely; 5, to adjourn to a certain day; 6, to refer; 7, to amend, and such motions have precedence in the order herein arranged, the first three to be decided without debate.

Adjournment.

RULE 19. A motion to adjourn the society shall always be in order except—1, when a member is in possession of the floor; 2, when the ayes and nays are being called; 3, when the members are voting; 4, when adjournment was the last preceding motion; or, 5, when it has been decided that the previous question shall be taken.

RULE 20. A motion to adjourn simply cannot be amended; but a motion to adjourn to a given time may be, and is open to debate.

Previous question.

RULE 21. When the previous question is moved and seconded, it shall be put in this form, "Shall the main question be now put?" If this is carried, all proposed amendments and all further motions and debate shall be excluded, and the question be put without delay.

To refer.

RULE 22. A motion to refer to a standing committee shall take precedence of a similar motion for a special committee.

To lay on the table.

RULE 23. A motion to lay a question on the table simply is not debatable; but a motion to lay on the table and publish, or any other condition, is subject to amendment and debate.

Indefinite postponement.

RULE 24. When a motion is postponed indefinitely, it shall not be taken up during the same meeting.

To amend.

RULE 25. A motion to amend an amendment shall be in order, but to amend an amendment to an amendment shall not be entertained.

RULE 26. An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different subject shall not be in order.

RULE 27. In an amendment to "strike out and insert," the paragraph to be amended shall first be read as it stands, then the words proposed to be struck out and those to be inserted, and finally the paragraph as it would stand if amended.

Reconsideration.

RULE 28. A question may be reconsidered at any time during the same meeting, or at the first meeting held thereafter. A motion for reconsideration being once made and decided in the negative shall not be re-moved before the next meeting.

RULE 29. A motion to reconsider shall be made and seconded by members who voted in the majority.

RULE 30. No question shall be reconsidered more than once, nor shall a vote to reconsider be reconsidered.

Committees.

RULE 31. All committees shall be appointed by the president unless otherwise specially directed by the society.

RULE 32. All committees shall consist of three members each, unless some other number be specified, and the first person mentioned shall be chairman.

RULE 33. On the acceptance of a final report from a committee, the said committee shall be considered discharged without a vote, unless otherwise ordered.

Reports of committees.

RULE 34. Committees to whom references are made shall, in all cases, report in writing the state of facts, with their opinion thereon.

RULE 35. All reports of committees shall be addressed to the president and members of "the society of the Illini;" shall briefly describe the matter referred and the conclusions to which the committee has arrived, which conclusions should be summed up in the form of an order or resolution or recommendation.

The rules.

RULE 36. No appropriation shall be made by the society unless there is money in the treasury sufficient to pay it.

RULE 37. Three members of the executive committee shall be a quorum for the transaction of business.

RULE 38. No warrant shall be legal unless it has been passed by order of the executive committee, and is countersigned by the president and secretary.

RULE 39. The rules may be temporarily suspended by a majority of the members present, but shall not be repealed, altered, or amended, unless by a concurrence of two-thirds of the members voting.

RULE 40. The society shall have power to make such additional rules from time to time as may be considered necessary for the better regulation of the affairs of the society.

S. L.

V.

W. O. C. gives * * *

L. V.—Who cometh ?

W. O. C.—A citizen we found in the hands of the sons of despotism, bound and well nigh crushed to death beneath their oppressions. We have brought him hither, and would restore him to the blessings of liberty and law.

L. V.—Brothers, the purpose ye have declared touching this stranger is most worthy. Let him advance to the altar by the regular steps ; instruct him in our solemn attitude, and let him give heed to the words which shall be spoken.

INVOCATION.

L. V.—God of our fathers, whose inspiration moved them to deeds of valor in the cause of eternal truth, justice and equal rights, we, their sons, now invoke thy divine presence, in this V. of the T., consecrated to the principles which they inculcated by precept and by example, and defended with their lives. Bless our country, and restore and protect her liberties. Amen.

L. V.—Citizen, thou art now in the V., and, if found worthy, will be ushered into the consecrated T., within whose precincts reverence towards the Supreme Being, patriotism, peace, charity, and good fellowship are inculcated and cherished. Direct thy thoughts within at this moment and declare, as thou wouldst answer to a good conscience, art thou ready ?

Response. I am.

L. V.—It is well ! I charge thee that if thou art impelled hither by curiosity, if thou cherish other purposes in this regard than the highest and holiest thy heart can conceive, it were better for thee that thy feet had never crossed the threshold of our O. C. Our faithful and well-beloved brothers, who have conducted thee hither into this presence, are thy sponsors ; a fearful responsibility is upon them. If thou shouldst betray their trust, or stain thy manhood by unworthy actions, it will be their solemn duty to publish thy shame, so that thou shalt be expelled and ever after excluded from the society of honorable men.

Brothers, hear your obligations as sponsors for the candidate.

OBLIGATION OF SPONSORS.

We do solemnly promise and undertake that the stranger whom we have introduced into this presence shall in all things prove himself a true man ; that from his daily walk and conversation with his brethren we guarantee his worthiness to be inducted into the mysteries of this society. We do further promise and undertake for him that he shall faithfully keep secret whatever shall transpire in this presence, and that in case he shall betray the confidence which he has inspired in us, we will hold it our bounden duty to aid in his expulsion from all association with honorable men. Amen.

L. V.—Hast thou heard and considered the obligation of thy sponsors ?

Answer. I have.

L. V.—Wilt thou well and truly perform unto the end that which they have promised in thy behalf ?

Answer. I will.

L. V.—It is now my duty to explain the principles which our society inculcates, and which we as a fraternity and as individuals aim to illustrate in our lives and conversation.

DECLARATION OF PRINCIPLES.

1st. God has created and controls the universe.

2d. All men are endowed by their Creator with certain rights—equal, so far as

there is equality in the capacity for the appreciation, enjoyment, and exercise of those rights—some of which are inalienable, while others may by voluntary act or consent be qualified, suspended, or relinquished for the purposes of social and governmental organizations.

3d. Government arises from the necessities of society, and rightful government derives its sole authority from the will of the governed, its chief end being their welfare.

4th. The governments organized and existing in the original thirteen States of North America, after they had severally and unitedly renounced their allegiance to the government of Great Britain, we regard as the wisest and best adapted to the nature and character of the people of the United States.

5th. That government was established originally by thirteen *free, sovereign, and independent States*, "in order to form a more perfect Union, to establish justice, to insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to the people thereof and their posterity; being intrusted with the powers and supremacy," and no further or other, which are specifically granted in the compact entitled the *Constitution of the United States*, strictly construed.

L. V.—Dost thou assent to the declaration of principles which thou hast just heard?

Answer. I do.

L. V.—Present thyself, then, in the attitude of invocation which thou didst first assume before this altar, and renew thy obligation.

OBLIGATION.

I, —, fully comprehending the declaration of principles which I have just heard pronounced, hold them for truth, to cherish them in my heart, to illustrate them as far as in me lies in my daily walk and conversation, and to defend them with my life. I do solemnly promise that I will never reveal or make known to any person or persons, by sign or word, or in any manner, the ceremonies in which I have just taken part, nor the names nor persons of those who have participated with me, nor any purpose which I have learned or conjectured as any part of the object of this society; and that I will, without hesitation or delay, perform whatever may be rightfully required of me by the duly constituted authorities of this society. To the faithful performance of all which in the presence of these witnesses I pledge my sacred honor. Amen.

(Instruct, &c.)

O. S. L.

W. O. C. gives * * *

C. T.—Who cometh?

W.—A. S. L., whom our worthy brother L. V. commanded us to deliver to the O. T.

O. T.—He should have received his first lesson in the V. I would be assured of his proficiency. Let the S. L. advance the signs in which he is instructed.

O. T.—'Tis well. I will conduct thee to the A. B.

A. B.

A. B.—Who cometh?

C. T.—A. S. L., whom our trusty brother W. has brought hither by the command of the L. V. I have proved him and found him duly proficient in the lesson he has received. He would journey east for instruction.

A. B.—His desire shall be gratified; but it is my duty first to submit to him the lesson of T., and then demand of him a solemn obligation, giving him

assurance that such obligation requires of him nothing inconsistent with his duty to God, his family, or himself.

S. L.—With this assurance art thou willing to take such an obligation?

S. L.—I am.

LESSON.

1. A well defined belief in a Creator and Supreme Ruler of the universe imparts true dignity to man.

2. The ideas and principles maintained by our O. on the subject of government are identical with those taught and defended by the founders of American liberty in the original thirteen States of North America.

3. The liberties of those States were assailed by despotic power; hence they made common cause for their mutual defence and established friendly relations with each other in the compact entitled, "Articles of confederation and perpetual union between the States."

4. When those States had maintained their freedom and independence, they severally entered into a compact entitled the Constitution of the United States of America, for the ends and purposes therein distinctly declared and specified, and the government thereby created was intrusted by the States, acting in their several capacities of free and independent States, with powers sufficient to the accomplishment of those ends and purposes, and no other; powers not delegated to that government being, by the express letter of the compact, "reserved to the States or to the people respectively."

5. Sovereignty resides in and with the people of the States, respectively, which are parties to the Constitution of the United States. It cannot be alienated, neither can it be delegated. Some of its powers may be exercised by delegated authority, while the others cannot be so exercised, except at the sacrifice on the part of the constituent of all that lends dignity to man's relation to the government.

6. The government designated the United States of America has no sovereignty, because that is an attribute belonging to the people in their respective State organizations, and with which they have not endowed that government as their common agent. It was, by the terms of this compact, constituted by the States, through the express will of the people thereof severally, such common agent to use and exercise certain specified limited powers. It was authorized, so far as regards its status and relations as a common agent in the exercise of the powers carefully and jealously delegated to it, to call itself "supreme," but not "sovereign." Supremacy, as plainly intended by the tenor and spirit of article VI of the Constitution, was created, defined, and limited by the sovereignties themselves.

7. In accordance with these principles the federal government can exercise only delegated power: hence if those who have been chosen to administer that government shall assume to exercise power not delegated, they should be regarded and dealt with as usurpers.

8. The claim of "inherent power," or "war power," as also "State necessity" or "military necessity," on part of the functionaries of a constitutional government for sanction of an arbitrary exercise of power, we utterly reject and repudiate.

9. All power resides in the people and is delegated always to be exercised for the advancement of the common weal.

10. Whenever the officials to whom the people have intrusted the powers of the government shall refuse to administer it in strict accordance with its Constitution, and shall assume and exercise power or authority not delegated, it is the inherent right and imperative duty of the people to resist such officials, and if need be, expel them by force of arms. Such resistance is not revolution, but is solely the assertion of right.

11. It is incompatible with the history and nature of our system of government that federal authority should coerce by arms a sovereign State, and all intimations of such power or right were expressly withheld in the Constitution which conferred upon the federal government all its authority.

12. Upon the preservation of the sovereignty of the States depends the preservation of civil and personal liberty.

13. In a convention of delegates elected by the people of a State is recognized the impersonation of the sovereignty of that State. The declaration of such convention upon the subject-matter for which it was assembled is the ultimate expression of that sovereignty. Such convention may refer its action back to its constituents, or the people may reverse the action of one convention by the voice of another. This sovereignty resides in the people of each State, and speaks alone through their conventions.

S. L.—What sayest thou to this lesson? Do its teachings command thy unqualified assent?

S. L.—They do.

A. B.—Present then thyself in the attitude in which thou didst plight thy solemn vows in the V., holding in thy right hand the sacred emblem of our O.

OBLIGATION.

I, ———, in the presence of God and these witnesses, do solemnly declare that I do herein freely renew the vows which I plighted in the V. I do further promise that I will never reveal nor make known anything which my eyes may behold or any word which my ears may hear in this T., nor in any other T., nor in any other place where this fellowship may be assembled; that I will never speak of nor intimate any measure or measures whether contemplated or determined of this O. to any one except to a fellow of the O.; that I will never explain the use or signification of the emblems or insignia of the O. to any one not a fellow thereof, under any pretence whatsoever, neither by persuasion nor by coercion; that I will never reveal or make known any or either of the signs, hails, passwords, watchwords nor initial letters belonging to this O., except to prove or communicate with a fellow thereof; that I will never pronounce the name of this O. in the hearing of any man, woman, or child unless to a fellow thereof; that I will ever have in most holy keeping each and every secret of this O. which may be confided to me by a fellow thereof, either within or without the T.; that I will never recommend for fellowship in this O. any man who is not a citizen of an American State except by dispensation to that end by competent authority, neither any person who has not attained the age of eighteen years, neither any one unsound in mind, neither any one of African descent, whether slave or free, neither a person of bad repute; that I will ever cherish towards each and every worthy fellow of this O. fraternal regard and fellowship; that I will ever aid a worthy fellow in distress if in my power so to do; that I will never wrong a fellow nor see him wronged if in my power to prevent it; that I will at all times implicitly obey without question or remonstrance all rightful commands of the constituted authorities of this O.; that I will always recognize and respond to the hail of a fellow when it shall be made in accordance with the instructions and injunctions of this O., and not otherwise; and should I cease to be a fellow of this O., either of my own volition or by expulsion, I will hold and preserve inviolate my vows and promises herein declared as truly as while I am in full fellowship. All this I do solemnly promise sacredly to observe, perform, and keep, under such penalties as shall be decreed by the competent authority of this O. Amen.

CHARGE.

A. B.—S. L., thy journey is well nigh accomplished. Somewhat yet remains, and the sons of despotism will beset your path and aim to turn thee back—per-

adventure will seek thy life. Then put thy trust in God and truth; still thy journey leadeth due east until thou art hailed by the G. S., who will further instruct thee. Beware lest thou bear thee towards the north too far and lose thy way; as well also take heed lest the south entice thee too far thither. We have a trusty G. F. on either side thy way, who, true and constant to his post, perchance may hail thee. Receive what he shall offer and give earnest heed to all his words. S. L. shall be thy watchword. Onward!

F. G. N.

F. G. N.—Who cometh? Advance.

C. T.—A S. L., by command of our A. B. in the west, journeying east for light and instruction.

F. G. N.—Then has he left the straight path and lost his way; danger is in every step he advances; bid him turn back; he has forgotten the instructions of our A. B. Was he not charged to follow the straight and narrow path?

C. T.—True! we entered upon the straight path, but ere we had proceeded far we were bewildered and lost our way. Wilt thou direct us hence?

F. G. N.—I will; but I must first prove him, that I may know by what right he claims my care and assistance.

C. T.—Lo! he hath a sign, (gives it.)

F. G. N.—'Tis well. Hath he a password?

C. T.—He has, and will give it, (gives it.)

F. G. N.—'Tis well. Thy watchword.

S. L.—Onward.

F. G. N.—'Tis well. Now depart due south. Shouldst thou reach the port of our G. in the south, he will further instruct thee. Thy watchword still—Onward!

F. G. S.

F. G. S.—Who cometh? Strangers, advance. Declare thy way and purpose.

C. T.—I come with this S. L. from our worthy A. B. in the west, who commanded us to journey due east to the G. S. for light and instruction, charging us to follow the straight path. We had not journeyed far when we lost our way; but the worthy F. G. N. did hail us as we passed his post and turned our faces hitherward. Wilt thou show us the path?

F. G. S.—I will. But first I would prove this friend. I know thee well for a true man. Let the S. L. advance the sign, (gives it.)

F. G. S.—'Tis well. Hath he a password?

C. T.—He has.

F. G. S.—Bid him give it me, (gives it.) 'Tis well. Thy watchword.

L. S.—Onward.

F. G. S.—'Tis well. Conduct him again to the straight and narrow path; thence onward due east to our G. S. Let thy watchword be, ever and ever, Onward!

G. S.

G. S.—Who cometh? Advance.

C. T.—G. S., I have brought a S. L. He is from the west, and hath journeyed east for instruction. He is a citizen, but he serveth.

G. S.—Serveth! Whom—what?

C. T.—God and his country.

G. S.—'Tis well. Such service fitly becometh the good citizen. By the authority vested in me I give him welcome into our T., and pronounce him a worthy F. O. S. L.

(Instruct, &c.)

INVOCATION.

O, God! Creator of all men, we invoke Thy presence. Help us as Thou didst help our fathers. Before Thee we are offenders; but spare us. We pursue justice—Thou art the Author of justice. We seek liberty—Thou art the Giver of liberty. We desire peace—Thou art the God of peace. Purify our intentions, guide our counsels, and give success to our efforts. Amen.

CLOSING.

O, God! from Thee all wise counsels and all good works do proceed. Further Thou our counsels, prosper our works, and grant us Thy peace. Amen.

ORDER OF BUSINESS.

1. Ceremonies of opening.
2. Reading and approval of minutes of preceding meeting and reports of secretary and treasurer.
3. Balloting for candidates recommended at a former meeting.
4. Induction of candidates.
5. Reading and consideration of communications from other organizations.
6. Nomination of candidates and reference to committee.
7. Propositions for the good of the O., including immediate purposes and plans, and their consideration and discussion.
8. Lecture.
9. Information concerning the condition of members; whether any one is sick or in distress, requiring aid and assistance.

INSTALLATION.

The officers elect, being up standing, the Com. T. shall propound to each the following questions:

Com. T.—Having been duly elected to the office of ———, do you accept the position to which you have been assigned?

Ans.—I do.

Com.—Brothers, are you content with the choice you have made of ———?

Ans.—We are.

The Com. will then administer the following oath of office to each, beginning at the highest, and declare them duly qualified to enter upon their respective duties:

OBLIGATION.

I, ———, having been elected to the office of ——— for the ensuing term, do solemnly swear, in presence of these witnesses, to support the constitution and laws of the O. S. L., to obey all rightful orders of my immediate G. Com. and the S. Com., and perform the duties of ——— to the best of my ability: So help me God. Amen.

L L.

TO THE DEMOCRACY OF CHICAGO.

The "Butternut" importation.—Exposure of a shallow trick to deceive and intimidate the democratic voters of Chicago.

To the Democratic Electors of the city of Chicago:

The undersigned, members of the democratic party and chairmen of the respective organizations of the party resident in the city, desire to inform their fellow-citizens that a body of men has recently arrived in this city, called by

the opposition papers "guerillas," "butternuts," or "raiders," all uniformly dressed, and wearing the uniform appearance and character of southern guerillas; that one body, numbering some sixty persons, arrived here on Saturday evening, after having travelled through the State (as it is reported, from Alton a distance of some 300 miles) without any interference or challenge on the part of our State republican officials at Springfield or elsewhere; and that other bodies of a similar character have arrived by the same route since the first body of these so-called "guerillas" landed. The opposition of this city admit that they were advised from Bloomington by telegraph that these "guerillas" or "raiders" were on the Chicago and St. Louis cars, and that they were coming to this city; and yet no attempt was made to arrest them; but, on the contrary, they were permitted peaceably to enter the city and to scatter themselves in various parts of it without the least attempt on the part of the military officials here to prevent them.

Now, this is to authoritatively state that either the democratic organizations of the State or city, or any members thereof, after having made diligent inquiry for the purpose, have failed to obtain any knowledge whatever of the design, purpose, or intended coming of these real or disguised raiders; and their appearance here on the eve of our national and State election, with the consent, as proved, of our military and State officials, is, in the opinion of the undersigned, an "election trick," designed to subserve some purpose yet undeveloped in the tactics of the opposition.

And the undersigned take this method of expressing their well-matured and deliberate conviction from well-authenticated facts before them, that the uniform and general appearance of these men; their arrival at the same time in large bodies, with no attempt at disguise of their real or pretended characters; their impunity from arrest or molestation while on their way here; and their repeated expressions at the several stations and on the cars that they were Lincoln men, warrants us in charging that they have been sent here in the interests of the republican party, to furnish some pretext for placing the polls of this city under the control of the military on the day of election, and defeating a free election, which, it is now foreseen, must result, without fraud, in the defeat of all the republican candidates.

In view of these facts we earnestly appeal to our democratic friends to avoid rash or intemperate language or angry controversy at the polls. Be firm in the discharge of your duty, but be peaceful in deportment. 'This is no time for intimidation or fear! We can defeat the conspiracy thus organized—but disguised under this shallow pretext of the republican leaders—by uniting brave and intelligent determination to exercise our constitutional rights peaceably, but fearlessly! Let every voter be rallied at the polls, and let every voter demand his rights under our Constitution and laws, and all will be well. The trick is too transparent to deceive any one.

ISAAC R. DILLER,

Chairman State Democratic Committee.

AARON HAVEN,

Chairman Cook County Executive Committee.

H. G. Miller.
N. P. Iglehart.
R. T. Merrick.
John Forsythe.
W. F. Storey.
J. B. Vaughan.
John Comisky.
Francis Adams.
Stephen Barrett.

Edward Burnham.
M. D. Gilman.
S. S. Hayes.
B. G. Caulfield.
W. C. Goudy.
J. H. Roberts.
Thomas Hoyne.
W. J. Onahan.
John Garrick.

Lambert Tree.
Anthony Dulter.
J. C. Garland.
John Parnly.
Thomas Clowry.
David Gage.
C. M. Willard.
J. H. Ferrell.

Eben F. Colby.
Wm. Baragwanath.
Daniel Cameron.
C. H. J. Miller.
Hart L. Stewart.
Chas. L. Woodman.
Timothy S. Fitch.

M M.

OFFICE OF THE CHICAGO TIMES,
Chicago, December 4, 1864.

FRIEND SPENCER : You will see by the public prints that the secret organization called the "Sons of Liberty," of which I gave you all the particulars in my possession at the time, has culminated, and some of the leading spirits in the affair have been arrested, and are now awaiting trial at Camp Douglas.

Now, Spencer, my object in writing you is to vindicate myself in the matter ; (for God knows had I gained the information that *arms* were in this city, I would have informed the authorities of the matter.) Colonel Sweet, the commandant at Camp Douglas, sent for me, and I told him candidly what I had done ; that I told you all I ever knew of the affair ; that I wrote Colfax, although under an assumed name, telling him of the matter as far as I knew. Now, will you do me the favor to write Colonel Sweet and tell him the facts in the case ? It may save me and my family from the disgrace of an arrest. I have given Colonel Sweet my word to do all in my power to find out if there are any arms in the city, and I mean to keep my word. Perhaps he has written you on the subject ; if not, please devote a few moments to the interests of a friend the moment you get this, for certainly I think you know me too well to believe me guilty of acts that are charged against these "conspirators." It is true I belonged to a society from which I could not withdraw for reasons I stated to you when I last saw you, but they never took me into their confidence—I never could find out their intentions, although in outward appearances I often "out-Heroded Herod."

Can I depend upon you rendering me this favor—if so, drop me a few lines by return mail ? All well ; Albert is married and doing well ; Joy is with Sherman in the forty-second Illinois ; Josie is teaching at Valparaiso—gets \$35 per month and board ; I keep on the old sit. at \$25 per week ; wife also writes for the Times at \$10 per week, (in the mail department.)

Respects to Mrs. S. and Nell.

With respect,

J. L. ROCK. . .

J. M. SPENCER, Esq.

N N.

S. B.—Guide to enlistment in the S. B.—Prepared by authority.

PREFACE.

Travellers through the country are struck with the sight of flags bearing mysterious emblems waving from the flag-staffs of tents or windows of public halls. At times they encounter public processions, embracing all classes of persons, from youth at fourteen to age at ninety. Upon the banners of such are seen the same devices.

In the great army correspondence that connects the heart-throbs of the camps with the heart-throbs of the homes, the mails are filled with letters upon

whose envelopes are seen the initials "S. B.," with the same mystical emblems. In the streets and hotels may be observed the same letters and characters conveyed upon rings, seals, pins, and other styles of ornamentation.

The general inquiry then turns naturally in this direction: what is this S. B.? what its purposes? why this vast organization whose branches seem to hang everywhere, in every regiment, and in every home?

This little book is prepared under proper auspices to answer these inquiries.

The views presented to the members of the S. B. association in our various circulars and communications relative to the necessity of a strictly Union organization irrespective of politics, obviate the necessity of prefatory remarks here. The general acceptance of these views as shown in the vast and rapidly accumulating comradeship of the S. B. is the best evidence of the deep-rooted love of the Union existing in the hearts of the people that the age has produced.

We only deem it necessary in this preface, as in all our communications, to hold up the five bases or fundamental principles upon which the S. B. is founded, and to caution the comrades that the success of the association in its grand and noble aims is altogether measurable by the fidelity with which we adhere to them. They are:

1. To preserve through all coming time the unity of the United States from disintegration and decay.
2. To secure to posterity our birthright of freedom of conscience, speech, and action.
3. To afford to the people of other lands an asylum, a refuge from tyranny, oppression, and political wrong.
4. To perpetuate the memory of the founders of this great republic, and of their worthy and immortal successors.
5. To teach, by covenants, emblems, and solemn ceremonies, the harmony, strength, and beauty of national unity.

GUIDE TO THE S. B.

CHAPTER I.—*Preliminary observations.*

SECTION FIRST.—THE THEORY OF THE S. B.

1. The theory of the S. B. association* is essentially military, and this gives form to its laws, covenants, paraphernalia, phrases, nomenclature, and ceremonies. All these are directly referable to war matters as defined in Scott's Military Dictionary, the Army Regulations of the United States, books of tactics, and ancient military history. Military precision must be observed in all marchings, salutes, alignments, and other ceremonies of the S. B. The banners and public displays correspond with those of the service.

2. The immense advantages of a secluded and guarded apartment in which loyal men may arrange their plans, welcome their friends, bring new members among them, read correspondence from all sections of the country, and animate the souls of each other without subjecting themselves to the espionage of traitors, are too obvious to need mention. The members of the S. B. will take care, therefore, both to exercise vigilance that they may not be betrayed, and also to see that no merely political or sectional questions are introduced among them, which would weaken confidence, arouse personal prejudices, and thus sunder the chain of the S. B.

* For technical use we name the association the "S. B." The initials simply imply "Strong Band" or "Brotherhood," and have, besides, a strictly private meaning.

A comrade in the society is also styled an S. B., which then has a strictly private meaning, explained only to the members.

3. So extensively has the knowledge of military operations and terms been diffused in this country through the terrible experiences of the civil war, that it is safely left to the commanding officer of each company, regiment, or division of the S. B. to arrange all the details not provided for in the guide and ritual. But, as observed above, everything must be made strictly conformable to military science and art, as explained in American military works.

4 A thorough extension of the S. B., to embrace every proper subject for its comradeship, will maintain the military art in this country upon a high and substantial footing. Every patriotic youth as he passes the age of fourteen will enter the portals of the society, and in process of years advance to full comradeship and become perfected in the solemn details of the war. Thus the American nation will never again be found, as of late, unprepared for attack, either from within or without, and the flower of our people will be qualified to go out, at the notice of a day, from their camps of S. B. to camps and trials of stern war.

5. The foundation of all military discipline is expressed in article 1st of Revised Army Regulations of the United States, viz :

All inferiors are required to obey strictly and to execute with alacrity and faith the orders of the superiors appointed over them.

Military authority is to be executed with firmness, but with kindness and justice to inferiors.

Punishments shall be strictly conformable to military laws.

Superiors of every grade are forbidden to injure those under them by tyrannical or capricious conduct or by abusive language.

The military covenant required by the laws of the United States is here given as a key to the affiliated covenant of the S. B.

I,——, do solemnly swear (or affirm) that I will bear true allegiance to the United States of America; and that I will serve them honestly and faithfully against all their enemies or opposers whatsoever.

The requirements, mental and physical, of a recruit for the armies of the United States, are followed in the S. B., as nearly as practicable.

They are as follows :

Any free white male person above the age of eighteen and under thirty-five years, being at least five feet three inches high, effective, able-bodied, sober, free from disease, of a good character and habits, and with a competent knowledge of the English language may be enlisted.

As adapted to the S. B., these requirements are, "A free white male person, effective, sober, and of good character and habits."

6. The ceremonies of enlistment, as required in the guide, refer chiefly to enlisting members of the first grade—that is, members who are entitled to vote, hold office, &c. But with proper modification obvious to the commanding officer, they may be adapted to those of the second and third grades.

7. The language of the guide applies to the making of but one recruit at a time; but with slight and obvious changes it will serve for a larger number. As many recruits may be made at one ceremony as the commanding officer deems fit, being guided by circumstances or convenience only. It is recommended, in general, to have but one ceremony of enlisting and enrolling recruits at a single meeting, and to take ample time for it.

8. It is strongly recommended to each officer of the S. B. to commit to memory the whole language of his part, as communicated to him, that he may deliver it without hesitation. Leisure moments between the meetings and during the performance of the ceremonies may be profitably spent in this way. The impressive performance of dramatic exercises is well nigh impossible if the actors must be prompted or read their parts from a book.

9. The commanding officer of a company camp should make a standing and soldierly welcome to all visiting comrades. When his orderly book has enlistments

entered upon it, the proper signals should be displayed at least three days prior to the meeting, and the comrades of all neighboring camps invited to assist in the ceremonies. The whole society is animated and strengthened by the introduction of worthy recruits, and all the comrades within the sound of cannon-shot should share the interest and pleasure.

10. Cases may possibly (though rarely) arise in your camp in which the gauntlet is taken up by a challenger after it has been defiantly thrown by a voucher. To avoid the possibility of a contingency so calculated to produce discord in the camp, the commanding officer should not enlist a recruit even though he may have been elected and a certificate given him if serious objections should be offered to his entrance. Comrades should be instructed not to interpose personal prejudices, political or religious objections, or the jarring of business against the progress of a grand and patriotic movement like this. When the gauntlet is thrown as above indicated, the enlistment must be stopped. A commission of three prudent and experienced comrades will be immediately appointed by the commanding officer, with instructions to examine promptly into the charges, and, if possible, report at once. Whatever convicts the recruit of infamy, is a perpetual bar to his enrolment.

11. Fees of enlistment, as arranged by the camp, must be paid into the hands of the second lieutenant before the recruit can be enlisted; likewise the registration fee.

12. In the vocabulary will be found descriptions of many of the technical words and expressions used in the S. B.; also synopses of the station, rank, and duty of each officer, &c. Information not found in this guide may be looked for in the guide to the meetings, the constitution and by-laws, and those publications furnished only to the officers of the S. B.

13. Every S. B. should consider himself the representative of the great and entire association. In that capacity he should invite and urge upon all loyal men, old and young, within the sound of cannon-shot of his residence to unite at once in the movement. If such are sick, bed-ridden, or unable to attend the camps, let the commanding officer attend upon them at their dwelling, and perform the necessary ceremonies there.

Public addresses should be delivered at every church and school-house. The press, that mighty lever of public opinion, should be thoroughly enlisted in the work, and no means left untried to enlist, before the 4th of July, 1863, every loyal spirit in the land in this patriotic and holy chain.

SECTION SECOND.—PARAPHERNALIA.

The articles essential to the smooth and systematic workings of this society are the following (at the first establishment of a company camp some of them are necessarily dispensed with):

1st. Swords, muskets, and lances. A weapon for each officer corresponding with his rank, and one for each recruit. Muskets not to be loaded.

2d. Rations for the camp and anteroom.

3d. Archives and library.

4th. Book of covenants.

5th. Music and band instruments.

6th. Portraits or busts of Warren, Webster, Clay, Jefferson, and Washington; also of those soldiers, sailors, statesmen, and other patriots whose deeds have immortalized our country. Also those of the officers and members of the company.

7th. Signet ring of the S. B.

8th. Standard of the United States.

9th. Flag, signals, gauntlet, &c.

10th. Parchment rolls.

11th. Tents.

SECTION THIRD.—ARRANGEMENT OF THE CAMP.

The full direction for arranging the camp will be furnished to the officers. In this place are given merely the outlines of the stations of officers, &c.

1st. The captain facing the door of entrance, and as far from it as the apartment (or tent) permits; weapon, the sword. In his possession are the signet ring and the portrait of Washington. His commission must always be at his command, and ready for exhibition. All vacancies are filled by the captain.

2d. The first lieutenant, on a line with the captain, two paces on his right; weapon, the sword. He is treasurer and quartermaster; in the latter capacity he has in charge the apartment with its paraphernalia. He is guardian of the portrait of Jefferson.

3d. The second lieutenant, on a line with the captain, two paces on his left; weapon, the sword. He is secretary and commissary; in the former capacity he has charge of the archives, library, book of covenants, and rolls; in the latter capacity he provides the rations of the company. He is guardian of the portrait of Clay.

4th. The ensign, facing the captain; the flagstaff between them.

In the absence of the captain the other commissioned officers, according to seniority, preside—the first lieutenant ranking as captain, the second lieutenant as first lieutenant, and the ensign as second lieutenant; but the duties of treasurer and secretary continue to be performed by the officers who assumed charge of them at the inauguration.

5th. First sergeant, facing the flagstaff, and as far from it as the form of the apartment (or tent) permits; weapon, the sword. He is guardian of the portrait of Webster.

6th. Second sergeant, on the left of the door of entrance, and near it; weapon, the sword. He is guardian of the portrait of Warren.

7th. First corporal, on the right of the first sergeant, and one pace distant; weapon, the lance. He receives the signet ring from the captain, and is one of the body-guard of the recruit.

8th. Second corporal, on the left of the second sergeant, and one pace distant; weapon, the lance. He receives the book of covenants from the second lieutenant, and is one of the body-guard of the recruit.

9th. The sentinel, outside the door; weapon, the musket with fixed bayonet. Upon his vigilance and fidelity the security of the camp mainly depends.

Although for general use, and especially in the cold season, halls and apartments are necessarily employed for the company meetings, yet the use of tents is recommended when the seasons permit, and each company ought at a proper time to provide itself with one.

Instrumental music, or the singing of odes, is important to time the marches. Many modern songs are appropriate to our ceremonies, such as the "Flag of our Union," "Rally round the Flag," &c.; likewise the standard songs, "Hail, Columbia," the "Star Spangled Banner," &c.

The uniforms of officers and privates correspond with the by-laws of the company.

There is no preparation room or ante-room adjacent to the camp, except the one occupied by the sentinel, and there is no entrance to the camp save the one guarded by that officer.

A vocabulary of a part of the technical terms used in the ceremonies and the addresses of the S. B.

CADET. That grade of recruits who are between the ages of fourteen and eighteen is termed cadets. They constitute the second grade in comradeship-at-

arms; they enjoy all the privileges of comradeship except those of holding office and voting.

CAMP. The meeting place of the S. B., whether assembled as a company, a regiment, or a division. The proper place is a tent, commodious and secluded; but in general the comrades are compelled for convenience to occupy halls and apartments, public or private; the halls of the various affiliated societies are most appropriate, as being secluded and commodious. The assemblage of S. B.'s is likewise termed a camp. To open a company camp there must be at least nine comrades present, exclusive of the sentinel; these must embrace at least two commissioned officers.

CERTIFICATE. There are two classes of certificates used in the S. B. One is given by the secretary of the camp (the second lieutenant) to the comrade who presents the petition of a recruit; its form is found in a subsequent page. The second is a certificate issued to each comrade by the general secretary, certified by the general registration seal, by means of which he is enabled to make himself known as a comrade; without the latter certificate no comrade can visit any camp of the S. B.

CHALLENGER. If the advancement of the recruit is stopped just prior to his presentation for enrolment, the objecting comrade is termed the challenger; the challenge is communicated in military form by taking up the gauntlet, which see. The comrade who presents and indorses the petition of the recruit is termed the voucher, which see.

COMRADE. The title of the recruit after he has been enlisted and enrolled. By the endearing appellation of comrade the S. B.'s address each other. Commanders are of three grades, as explained in the published constitutions; the expression comrade-at-arms suggests the military form of our fraternity.

COMRADESHIP. The technical word used in the S. B. to imply membership; the expression comradeship-at-arms implies our form of membership, which is military.

COUNTERSIGN. Some patriotic word chosen by the commanding officer of the camp, at each meeting, to serve as an additional means of security to the camp. The countersign is changed at every meeting.

COVENANTS, BOOK OF. The volume in which is engrossed the military covenant of the S. B. is termed the book of covenants; it contains the autograph of each comrade, indorsed by three others. It is kept by the second lieutenant, and intrusted during the ceremonies of enlistment to the second corporal.

At the dissolution of the company the book of covenants goes to the archives of the general secretary's office.

ENLISTMENT. The entire ceremony of incorporating a new member into the comradeship-at-arms in the S. B. is termed enlistment. It is exceedingly dramatic and impressive. Every patriotic and social appliance is brought to bear to impress upon the mind of the candidate his duties to his country.

ENROLMENT. The final ceremony of enlisting a recruit is termed the enrolment. A recruit may be stopped in his progress just prior to enlistment, by operation of the challenger.

GAUNTLET. The glove used during the ceremonies of enlistment, is termed the gauntlet. See voucher and challenger.

GUARD, BODY. The two corporals and the voucher who conduct the recruit into camp and through the ceremonies of enlistment, are termed the body-guard of the recruit.

MEDALS. See recognition.

ORDERLY BOOK. The records of the camp. They are in charge of the secretary (second lieutenant) or his clerk.

PASS-WORDS. See recognition.

PATRONS. Five patriots in American history, whose virtues and talents reflected lustre upon the country of their birth, and whose examples are models of

imitation. They are Warren, Webster, Clay, Jefferson, and Washington. Their portraits form an essential part of the paraphernalia of the camp, and are guarded respectively by the second sergeant, first sergeant, second lieutenant, first lieutenant, and captain.

Though we claim but five patrons, our catalogue of patriots swells to hundreds and thousands, living and dead, whose portraits may well be introduced to our camps, to illustrate the virtues we inculcate.

RATIONS. Subsistence rations are used in the ceremony of enlistment, and at all meetings of the camp. They are furnished by the commissary, (second lieutenant.)

RECOGNITION. The means by which the camps preserve themselves from imposition, and the means by which the worthy comrades travel and become recognized by the members of the S. B., are termed the recognition. They are numerous, well devised, and impenetrable to the uninitiated.

RECRUIT. The applicant or candidate for membership in the S. B. is termed a recruit. Every man who loves his country, and desires her permanent unity, is a proper subject for a recruit.

SALUTE. The military salutation and token of respect and esteem. "It is always the duty of the inferior in rank to offer first the customary salutation, and of the superior to return such complimentary notice."—(*Revised Army Regulations.*)

Officers with swords drawn will salute by bringing them to the present; with muskets, by bringing the left hand across the body so as to strike the musket near the right shoulder.

When a comrade without arms addresses an officer, he must salute by raising his hand to the right side of the visor of his cap, palm to the front, elbow raised as high as the shoulder. The officer will return in like manner.

SIGNALS. An arrangement of flags changed quarterly, by orders of the commanding officer, relative to meetings, business, &c., are made publicly manifest. The flags are three in number, and are displayed from the flagstaff of the tent, or the windows of the hall in which the meetings occur. The key to the signals is communicated only to the comrades.

SIGNET RING. The ring belonging to the company, and used in the ceremonies of enlistment, is termed the signet ring. Every comrade, when travelling from home, should wear a signet ring, made in imitation of the official ring.

VOUCHER. The comrade who presents the petition of a recruit and indorses his qualifications and fidelity, is termed his voucher. The position is one of great importance in relation to all the interests of the S. B. association.

The comrade, if any, who publicly vetoes the enrolment of the recruit, is termed the challenger, which see.

The declaration of the voucher is made in military form by throwing the gauntlet, which see.

CHAPTER II.—*The enlistment.*

This chapter is divided, for convenience, into four parts, viz. :

SECTION 1. Announcing the recruit.

SECTION 2. Preparing the recruit.

SECTION 3. Introducing the recruit.

SECTION 4. Enrolling the recruit.

SECTION FIRST.—ANNOUNCING THE RECRUIT.

The whole of this ceremony is of a private nature, and cannot be given in this guide. It is conducted by the voucher, the sentinel, the second sergeant, and the two corporals.

The avouchal of the recruit is in this form :

Mr. ———, a true and loyal citizen, desires to be wrought into the comradeship of the S. B., and offers himself for enlistment. His petition has been approved by the camp, as this certificate will testify.

The whole of this ceremony is highly dramatic and impressive. The first impression made upon the mind of the recruit is eminently favorable.

SECTION SECOND.—PREPARING THE RECRUIT.

Much of this ceremony is of a private nature, and cannot be given in this guide. It is conducted by the same officers as in section 1. The recruit pledges himself honorably to observe the laws and regulations of the S. B. while remaining in comradeship with them; and if at any time he should think proper to withdraw from the association, (as he has unquestionably the right to do at his pleasure,) to keep secret all its acts and doings which have come to his knowledge. In token of these pledges he subscribes his name in the book of covenants, followed by the signatures of his voucher and the two corporals.

He then seals his military covenant in the manner prescribed by ancient usage, while the following address is made to him by the first corporal:

Mr. ———, in the days of chivalry, comrades-at-arms scorned creature comforts; pure zeal and devotion gave zest to the hardest fare. The running brooks slaked their thirst, the fruits and roots of the earth satisfied their hunger. In the revolutionary struggle our fathers endured all the pangs of hunger and thirst. Their sacrifices gave evidence how pure was that patriotism that burned within them.

We give you such as is given to us. It will at least sustain nature. Let us partake thankfully. May the bread strengthen us, may the water cheer us, may the salt preserve us, while we perform many a good deed in the service of our country.*

Another portion of the same address is as follows:

The pay and bounty which we offer you as a comrade of the S. B. is large enough to secure all the powers of your mind, heart, and person. It is *the gratitude of your country and the favor of God*.

If you are faithful to the cause in which you have enlisted, you shall be honored while you live; rewarded with the friendship and association of the brave, loyal, and true; cheered by the smiles of the patriotic fair; and when death, which consumes all, shall claim you, you shall be enrolled among those who, in the day of their country's trial, devoted themselves to her rescue.

An address upon the proper armor of a patriot of the S. B. is also delivered by the first corporal, of which the following are extracts:

We have united together here to form a strong band in maintenance of the unity of the United States, sorely beleaguered by its foes. We are banded in this camp of comrades, under rules and regulations well calculated to further the purposes of discipline, order, and fraternity. We are wrought into this association by forms and ceremonies, beautiful and impressive in themselves, and which both please and profit our minds. By the introduction of good and patriotic citizens, we strive to enlarge our membership, until it shall embrace every loyal person in the nation.

SECTION THIRD.—INTRODUCING THE RECRUIT.

The most of this ceremony is of a private nature and cannot be given in this guide. In it all the officers and members of the camp, likewise the visitors, par-

* It should be remembered that in these and all other addresses the officers in charge may substitute their own language at pleasure, being careful to preserve the spirit of the forms here laid down. In all the ceremony of enlistment there is a seductive field for eloquence, learning, and exalted patriotism.

take. In dramatic force and fervor the ceremony increases from first to last. Every means of impressing duty, patriotism, and friendship upon the heart is employed. A series of emblematic appliances convey lessons of the highest importance to the mind, while the charms of music, eloquence, and military art captivate the imagination.

The following addresses are introduced in connection with the portraits or busts of the five patrons :*

Behold the likeness of one who died for his country—Warren, the first martyr of the Revolution. Glorious hero ! Of such a death he had said : " It is good and proper to die for one's country."

Behold here the likeness of one who reflected lustre upon the great charter of his country—Webster, the expounder of the Constitution. His gigantic intellect was consecrated to the theme.

Behold here the likeness of one whose matchless eloquence was consecrated to harmonizing the elements of discord which threatened his country—Clay, the pacificator ! He died in the harness, patriotically earnest to the last.

Behold the likeness of one who bore a full part in the cares and dangers of the Revolution—Jefferson, the defender of the rights of man ! He was the author of the Declaration of Independence.

Behold here the likeness of one, the noblest of the founders of his country—Washington, the incomparable. In every relation which a patriot sustains to his fellow man, Washington shines forth pre-eminent. His name, his deeds, his honors, are immortal. While earth shall endure, the model of earthly excellence is George Washington.

During the ceremony of introducing the recruit the covenant of the S. B. is administered, as follows :

1. To preserve, through all coming time, the unity of the United States from disintegration and decay.
2. To secure to posterity our birthright of freedom of conscience, speech, and action.
3. To afford to people of other lands an asylum, a refuge from tyranny, oppression, and political wrong.
4. To perpetuate the memory of the founders of this great republic, and of their worthy and immortal successors.
5. To teach by covenants, emblems, and solemn ceremonies, the harmony, strength, and beauty of national unity.

SECTION FOURTH.—ENROLLING THE RECRUIT.

This ceremony is of a private nature, and cannot be given in this guide. The voucher presents in the most forcible terms his testimonial to the character and qualifications of the recruit, and challenges denial. The name and physical description of the recruit are accurately enrolled, and a copy secured for the office of general registration. The means of recognition, which are exceedingly attractive and practical, are explained, and the entire ceremony is concluded with an address from the captain.

Organization.

Hon. John Wilson, Chicago, Illinois, commander-in-chief.

The names of his staff will be found in "general orders."

Edward A. Guilbert, major general of Iowa ; address, Dubuque.

Rufus B. Clark, major general of Wisconsin ; address, Racine.

Charles E. Blumenthal, major general of New York ; address, New York city.

Hon. John Wilson, major general of Illinois ; address, Chicago.

*These are only given as skeletons or models. Eloquent and well instructed officers will expand these thoughts at pleasure.

John Trimble, general secretary, post office box No. 6295; room No. 46 McCormick's building, southeast corner of Dearborn and Randolph streets, Chicago, Illinois.

O O.

"Union for the sake of the Union." Constitution of the S. B., as promulgated by order of the board of control."

PREAMBLE.

Association is the basis of all human action; only the Creator can work alone. The history of the United States for the last quarter century shows that patriotic feeling has been too much consumed in the demands of caucuses, political societies, and partisanship.

To educate the people, especially the rising generation, in the principles of patriotism, pure and exalted; to make the history of this country, through its past glorious career, an incentive to future action; to divest patriotism of sectional prejudice, and make of many one homogeneous nation, are the designs of the S. B. association. To this end the most pleasing and instructive means are employed, and a platform laid down upon which all who desire the permanency of the American Union may stand.

A sufficient degree of secrecy is thrown about the proceedings of the S. B. association to preserve it from spies and disloyalists, but there is nothing in its proceedings contrary to the bases of action described in the Constitution.

Marching Song of the S. B.

AIR—The Beautiful Hills.

From the mountain's blue tops, from the valley's green dales,
From a thousand happy homes are we;
We're remembered in each when the daylight fails
And the babe falls asleep on the knee.
For the mother will pray, as she drops a tear
On the snowy brow, soft and fair!
We'll fight for the mountain and valley, oh!
And the loved ones who love us there.

By the sabre's keen edge, by the bullet's swift flight,
By the bayonet's iron point we swear,
We have girded our hearts for the coming fight,
To win or perish there!
And the valley and mountain shall hail us yet
As conquerors o'er the foe,
Or the grief of patriots with tears shall wet
The graves where we slumber low.
Then shout, comrades, shout for the strong band,
Its camps how goodly fair!
We'll fight for the mountain and valley, oh!
And the loved ones who love us there.

CONSTITUTION.

ARTICLE 1.—THE OBJECTS OF THE S. B.

SECTION 1. *The five landmarks.*—The objects of the S. B. association are comprehended in the following extracts from the covenants of the comrades.

1. To preserve, through all coming time, the unity of the United States from disintegration and decay.

2. To secure to posterity our birthright of freedom of conscience, speech, and action.

3. To afford to the people of other lands an asylum, a refuge from tyranny, oppression, and political wrong.

4. To perpetuate the memory of the founders of this great republic, and of their worthy and immortal successors.

5. To teach by covenants, emblems, and solemn ceremonies, the harmony, strength, and beauty of national unity.

This summary of the aims of the S. B. association shall forever stand as the basis of its legislation. And the assumption of power by any governing authority, either in company, regiment, or division, to add to or subtract from these five principles of action, shall be null, void, and inoperative upon the comrades.*

By-laws, rules of order, and local regulations may be made at pleasure by the company, regiment, and division within the limits of this constitution. Each exercises unlimited control over its own finances.

SEC. 2. *The structure is military in form.*—The polity, rituals, ceremonies, nomenclature, and discipline of the S. B. are military in spirit and form. The Revised Army Regulations of the United States and approved works upon military tactics are the general instructions to the S. B., save where the guide and ritual otherwise direct.†

ARTICLE II.—COMRADESHIP OF THE S. B.

SECTION 1. *Comrades of the first grade.*—The comradeship of a company camp is divided into three grades, viz:

Those who enjoy full comradeship, with the privilege to vote and hold office, constitute the first and highest grade. Of these, each company must have upon its rolls not less than twenty-five to constitute a working camp. The comrades of the first grade must be men of eighteen years of age, "free white, male persons; effective, sober, of good character and habits." But soldiers and sailors, having once regularly served in the forces of the United States, are eligible to comradeship of the first grade, though under eighteen years of age.

SEC. 2. *Comrades of the second grade, cadets.*—Those who visit and share in all the privileges of the S. B., save those of voting and holding office, constitute the second grade; they are styled cadets. Their qualifications are the same as comrades of the first grade, save that they are less than eighteen (but not less than fourteen) years of age.

SEC. 3. *Comrades of the third grade, honorary.*—Those who visit the camps of S. B. as honorary comrades, are gentlemen of patriotic eminence, elected for that purpose.

The President of the United States, the Vice-President, and cabinet, the governors of the States, and all supreme and circuit judges, are *ex officio* honorary comrades during their respective terms of office.

But comrades of the third grade must be covenanted to all the requirements of the S. B. before they can enjoy any of the privilege of this grade. They are not required to pay dues or contributions of any kind.

Recruits for the first, second, and third grades are elected to comradeship according to section sixth of this article.

* The general principles of jurisdiction are these:

First. A company for each township; twenty-five or more a company.

Second. A regiment for each county; four or more companies to a regiment. Regiments are known by their numbers, not by letters.

Third. A brigade for each congressional district; four or more regiments to a brigade.

Fourth. A division for each State or Territory.

Officers to correspond with these subdivisions.

By special order from proper authorities a company may be organized with a less number than twenty-five.

SEC. 4. *Regimental comradeship*.—Regimental comradeship is representative, being made up of the officers of companies appointed for that purpose.

SEC. 5. *Division comradeship*.—Division comradeship is representative, being made up of the officers of regiments appointed for that purpose.

SEC. 6. A comrade in a company camp, being desirous to enlist a friend in either grade of comradeship, may, at any regular meeting of the camp, present a petition therefor, which must be in the following form (changing names and dates) viz :

S. B.

Petition.—The undersigned, a comrade of the first grade, in third company 9th regiment, S. B. of Michigan, encamped at Oxford, La Pere county, Michigan hereby recommends to comradeship of the first grade, Mr. Thomas Sawther, whose qualifications for the S. B. correspond with those required by the Constitution of the S. B. association, and by-laws of this company.

HENRY SHORT.

OXFORD, MICHIGAN, August 1, 1862.

This petition shall be read aloud by the second lieutenant, discussed with freedom by the comrades present, and then put to the vote. The manner of voting shall be by slips of paper, on which the comrades shall write A for admission, or O for objection.

These shall be collected by the corporals, and laid before the captain, who shall count them and announce the result. If it be found that the admissions form a clear majority of not less than four-fifths of the comrades present, the recruit shall be declared elected and the record so made up.

The second lieutenant shall then give to the comrade who presented the petition a certificate in the following form, (changing names and dates,) viz :

S. B.

CAMP OF 3D COMPANY, 9TH REGIMENT, S. B. OF MICHIGAN,

Camp at Oxford, Michigan, August 1, 1862.

This certifies that at a regular meeting of this company, held at headquarters, this day, Mr. Thomas Sawther, was duly proposed by Comrade Henry Short, and it appearing on inspection of the ballot that the constitutional majority of four-fifths of the comrades present was favorable to his enlistment, it is hereby ordered by the captain that Mr. Thomas Sawther be admitted to all the rights and privileges of the S. B. in accordance with the ritual thereof.

AARON LONG,

Second Lieutenant and Secretary.

SEC. 7. *How comrades may resign*.—Any comrade may resign his membership at pleasure, by announcing his wish at a regular meeting of the company: *Provided*, That he is under no pecuniary obligation to the camp, and that no charges of unworthy conduct are outstanding against him.

His request shall be stated to the camp by the secretary, and if no pecuniary or disciplinary charges are on the files against the comrade, the captain shall order his name stricken honorably from the rolls.

But no officer who has been regularly commissioned and inaugurated can resign his command during the term specified in his commission, except by joint permission of his colonel and his company; the latter to be expressed by a vote of not less than two-thirds of the members present at a regular meeting.

ARTICLE III.—OFFICERS OF THE S. B.

SECTION. 1. *Who are the officers.*—The officers of a company of S. B. are as follows :

1. The captain.
2. The first lieutenant who is *ex officio* treasurer and quartermaster of the company.
3. The second lieutenant, who is *ex officio* secretary and commissary of the company.
4. The ensign.
5. The first sergeant.
6. The second sergeant.
7. The first corporal.
8. The second corporal.
9. The sentinel.

To these necessary officers of the company, there may be added at pleasure, a company chaplain, a clerk, third, fourth, and fifth sergeants, a drummer, a fifer, and such other subordinate and non-commissioned officers as the company by its by-laws may provide. The minimum strength of a company, including officers and privates, is twenty-five; but the number may be increased at pleasure.

The commissioned officers of the company are the captain, first and second lieutenants, and ensign. The rest are appointed by the captain.

The officers of a regiment or division of S. B. correspond in number and rank with the army regulations of the United States.

SEC. 2. *What are officers duties.*—The general theory of official duty in the S. B. corresponds with that of the Revised Army Regulations of the United States. In addition to military requirements, the business of the company camp is distributed among them as follows, viz :

1. The Captain.—His station in the camp is at the end of the camp opposite the entrance. His weapon is the sword; his rank is denoted by his shoulder-straps; he is keeper of the signet-ring and guardian of the portrait of Washington. A peculiar observance is imparted to him prior to his inauguration into office, by which his recognition is secured.
2. The First Lieutenant.—His station is on the right of the captain, and two paces distant. His weapon is the sword; his rank is denoted by his shoulder-straps; he is *ex officio* treasurer of the company, quartermaster, and guardian of the portrait of Jefferson. A peculiar observance is imparted to him prior to his inauguration into office, by which his recognition is secured.
3. The Second Lieutenant.—His station is on the left of the captain, and two paces distant. His weapon is the sword; his rank is denoted by his shoulder-straps; he is *ex officio* secretary of the company, keeper of the archives, commissary, and guardian of the portrait of Clay. A peculiar observance is imparted to him prior to his inauguration into office, by which his recognition is secured.
4. The Ensign.—His station is unchangeably by the flag-staff; his weapon is the sword; his rank is that of second lieutenant, and is denoted by his shoulder-straps; he is guardian of the national flag. A peculiar observance is imparted to him prior to his inauguration into office, by which his recognition is secured.
5. The first sergeant.—His station is to the right in front of the captain, and facing the flag-staff. His weapon is the sword; his rank is denoted by his chevrons; he is guardian of the portrait of Webster.
5. The second sergeant.—His station is near the door of entrance to the camp, and facing the captain. His weapon is the sword; his rank is denoted by his chevrons; he is guardian of the portrait of Warren.
7. The first corporal.—His station is on the right of the first sergeant, and

one pace distant; his weapon is the lance; his rank is denoted by his chevrons; he is one of the body-guard of the recruit during the ceremonies of enlistment, and receives the signet-ring from the captain. At elections he collects the ballots in conjunction with the second corporal.

8. The second corporal.—His station is on the left of the second sergeant, and one pace distant. His weapon is the lance; his rank is denoted by his chevrons; he is one of the body-guard of the recruit during the ceremonies of enlistment, and receives the book of covenants from the second lieutenant. At elections he collects the ballots in conjunction with the first corporal.

9. The sentinel.—His station is outside the camp; he has charge of the door of entrance. His weapon is the musket; his rank is that of second corporal, and is denoted by his chevrons. Upon his vigilance and fidelity the security of the camp mainly depends.

SEC. 3. *Duties of regimental and division officers.*—The duties of regimental and division officers in the S. B. correspond with the Revised Army Regulations of the United States.

SEC. 4. *Honor the basis of obligation.*—The basis of all military obligation is honor. Each officer when invested with the insignia of his rank is solemnly pledged to the performance of the duties thereunto attached. He cannot refuse to perform them, nor can he withdraw from the comradeship in the association, during the period for which he has been elected, without foul dishonor.

SEC. 5. *How officers are elected.*—The captain, two lieutenants, and ensign are elected at the regular meeting immediately prior to Washington's birthday, February 22, annually.

Each comrade of the first class, who is on the company books, is eligible to office and to vote: *Provided*, That no comrade shall be elected captain who has not previously served as lieutenant, save by special permit of the colonel.

Nominations to office shall be permitted; the vote shall be by slips, on which the voter shall write. The corporals collect the ballots, which are counted by tellers appointed by the captain.

Between the time of election of officers and Washington's birthday the captain shall select the non-commissioned officers.

The inauguration of the officers is performed under the supervision of the colonel, lieutenant colonel, or a deputy appointed for the purpose.

ARTICLE IV.—THE MEETINGS.

SECTION 1. *Regular meetings.*—The meetings of the company of S. B. are of three kinds, regular, festival, and called. The regular meetings shall occur at least once a month, and at such times and places as the by-laws of the company shall designate.

At regular meetings all balloting shall be performed, moneys appropriated, and the standard business of the S. B. transacted. An essay upon some patriotic theme shall be delivered by a competent comrade, and the correspondence of the company read.

SEC. 2. *Festival meetings.*—There are two festival meetings annually, viz., on Washington's birthday and the Fourth of July. At the former the inauguration of officers shall be performed; at the latter, a procession, oration, and banquet.

SEC. 3 *Called meetings.*—Meetings of the company may be called at any time, in the discretion of the captain, but not, except in cases of great emergency, without giving three days' notice to the comrades. The captain shall enter his orders to that effect in the orderly book, and the secretary shall immediately display the flag-signals to correspond. The flag-signals shall be extended from hand to hand by all the comrades until all are notified of their meeting.

The enlistment of recruits is best done at called meetings, though their

election must be transacted at regular meetings, as required in the first section of this chapter.

All meetings of the company, whether regular, festival, or called, shall be conducted upon the general plan given in the "guide to meetings of the S. B."

ARTICLE V.—ARCHIVES, LIBRARY, PARAPHERNALIA.

SECTION 1. *The archives.*—The company shall carefully preserve its archives. These consist of the records and proceedings of the company, its correspondence, the campaign reminiscences of the comrades, and the orders and proceedings of the regimental and division organizations.

SEC. 2. *The library.*—The company shall sedulously perfect and preserve its library. This consists of books relative to the civil war, and to the previous wars of the United States, war maps, charts and diagrams, plans of forts and battles, histories, books of tactics, and of the science and art of war, &c.

SEC. 3. *The paraphernalia.*—The articles necessary to a camp correspond with the military theory of the S. B. association. They include such additional objects as are specified in the ritual. They are as follows:

1. Swords, muskets, and lances. For the camp, one for each officer, corresponding with his rank; for the anteroom, one for each recruit. Muskets must not be loaded.

2. Rations for the camp and anteroom.

3. Archives and library.

4. Book of covenants.

5. Music books and band instruments.

6. Portraits or busts of Warren, Webster, Clay, Jefferson, and Washington; also portraits and busts of patriotic soldiers, sailors, statesmen, and others whose deeds have immortalized our country; also the portraits of the officers and members of the company.

7. Signet-ring of the S. B.

8. Standard of the United States.

9. Flag-signals, gauntlet, &c.

10. Parchment roll.

11. Tents.

In the first organization of the company much of the paraphernalia may be dispensed with.

ARTICLE VI.—DISCIPLINE.

SECTION 1. *What are offences.*—Offences are a violation of the military law as applied to the S. B. The Revised Army Regulations of the United States, especially the Articles of War, describe them with minuteness. In addition to offences, strictly military in their character, the following will afford grounds for charges against a comrade, viz: divulging the secrecy of the S. B. association, neglect to pay dues and fees required by the by-laws of the company, and refusal to obey a regular summons from the company.

SEC. 2. *Courts-martial.*—Charges, with suitable specifications, may be preferred by the proper officers, and courts-martial held agreeable to the requirements of military law. The penalties recognized by the S. B. are:

1. Public reprimand.

2. Suspension for a limited period.

3. Degradation from rank, if an officer, or expulsion if a private.

Notices of the penalties of suspension and expulsion shall be immediately forwarded to the general office by the secretary.

Upon due penitence the company may rescind the penalties they have ordered, and restore the comrade to his former standing. Rules and directions for this and other parts of discipline may be incorporated in the by-laws of the company.

All trials are under the supervision of the colonel, in person or by deputy, and no penalty inflicted by the company is final until approved by the colonel.

Discipline in the regimental and division organizations is conducted agreeably to the Revised Army Regulations of the United States.

ARTICLE VII.—FEES, DUES, AND DISBURSEMENTS.

SECTION 1. *Fees and dues.*—The registration fee of one dollar from each comrade is preliminary to registration on the general rolls of the S. B. association. All other fees and dues are provided for in the by-laws of the company.

SEC. 2. *Disbursements.*—All company disbursements are made upon orders drawn by the captain and countersigned by the secretary. But no money shall be disbursed by the treasurer except by a vote of the company, taken at a regular meeting, save as provided for in the by-laws.

ARTICLE VIII.—MISCELLANEOUS.

SECTION 1. *Change of constitution.*—The company has no power to change the constitution in any feature. Its own by-laws and rules of order, however, may be adopted, amended, &c., at pleasure.

SEC. 2. *Fraternal correspondence.*—Each comrade, when journeying from home, shall maintain a fraternal correspondence with the company, which shall be read by the secretary, and preserved in the archives of the company.

SEC. 3. *Publicity.*—Each company shall keep a standing advertisement in the newspapers of the county in which its camp is located, wherein shall be minutely specified the times and places of meetings, and a welcome extended to all travelling comrades.

SEC. 4. *Military instruction.*—The company or companies established in each county shall give annually, under their authority, at least two public courses of drill and instruction in the use of arms. This is to the end that all the youth of our country may be trained up in habitudes of military art and discipline.

SEC. 5. *Financial requirements.*—Each company organization shall have the exclusive control of its own funds; but suitable portions shall be appropriated to the library, the representative fund, charity, and the paraphernalia, and equipments of the camp.

SEC. 6. *Fraternal attentions.*—The wounded, the sick, the poor in comradeship with the S. B. are entitled to the devoted attentions of comrades. Deceased comrades shall be awarded the honors of a military funeral.

SEC. 7. *Responsibilities.*—Until a State organization has been effected, every commissioned officer of the S. B. is directly responsible to the general office at Chicago, Illinois. After the State organization is effected the responsibility is transferred.

A monthly correspondence must be maintained by each company, through its secretary, until the State organization is effected, with the general office. Failure to make a report within the first ten days of the month will call out a letter of inquiry from the general secretary, and if no satisfactory explanation is made and the report is not rendered by the close of the month, all the commissions under which the company is operating will be peremptorily withdrawn, and a notice sent by the general secretary to every other company in the S. B. association, notifying them of the dissolution of the recusant company.

No comrade is entitled to travel and visit camps until he has received from the general office his certificate of registration upon the general rolls of the S. B. association.

Organization, June, 1863.

Hon. John Wilson, Chicago, Illinois, commander-in-chief.

Edward A. Guilbert, major general of Iowa; address, Dubuque.

Rufus B. Clark, major general of Wisconsin; address, Racine.

Charles E. Blumenthal, major general of New York ; address, New York city.

Hon. John Wilson, major general of Illinois ; address, Chicago.

F. W. Curtenius, major general of Michigan ; address, Kalamazoo.

J. C. W. Bailey, president board of control ; J. Asa Kennicott, secretary board of control ; C. J. Ward, treasurer board of control ; Robert Morris, general agent board of control ; all of Chicago, Illinois.

John Trimble, jr., general secretary, post office box No. 6295. Room No. 46 McCormick's building, southeast corner of Dearborn and Randolph streets, Chicago, Illinois.

Q Q.

Obligation.

"In the presence of Almighty God and these brethren, as I hope for peace and prosperity in this life and happiness in the life to come, with my right hand resting on the Holy Bible, I promise and swear, that I will never directly or indirectly reveal to any person or persons any proposition made by this order or any word mentioned by any member at this or any future meeting of this order.

"I further promise and swear, that I will obey the constitution and laws of my country, and that I will in no way knowingly violate them.

"I further promise and swear, that I will use all lawful means in protecting the members of this order from arrests ; and further, that I will give my time and money freely towards the defence of Charles Walsh, Buckner S. Morris, and others wrongfully charged with crimes and now held as prisoners at Camp Douglas.

"I further promise and swear, that should I ever knowingly violate this solemn obligation or any part thereof, I will freely render up my life as an atonement for the perjury of which I should be guilty before my God and these brethren."

I. Winslow Ayer took this oath and was elected president of the order ; on the same evening gave Colonel Sweet the full particulars of what was said and done at that meeting.

R R.

THE UNITED STATES

vs.

BUCKNER S. MORRIS and others.

} Before a military commission at Cincinnati,
Ohio.

Robert Hervey, of Chicago, in the State of Illinois, one of the counsel for the defence in this cause, being first duly sworn, maketh oath and saith that five weeks ago the names of certain rebel officers, prisoners of war, now and then detained in custody by the military authorities of the United States, to wit, Brigadier General Adam K. Johnson, Rhodes Fisher, Captain and E. A. Bristol, lieutenant in the service of the rebel government, and their various places of confinement, were furnished to Colonel H. L. Burnett, judge advocate of this commission, with the request that they might be summoned and brought to attend at this place as witnesses for the defence herein.

That about two weeks ago the deponent, at the suggestion of said judge advocate, furnished to him an affidavit of this deponent, setting forth in detail the facts themselves, which the accused expected to be able to prove by each and all of the said witnesses, which affidavit was willingly furnished by this deponent on the suggestion aforesaid for the purpose, as this deponent understood, of being forwarded by the judge advocate to the War Department for the purpose of showing the importance to the accused of the presence of said witnesses on their behalf.

Which affidavit this deponent has been informed and believes has been duly and promptly forwarded by the judge advocate as he agreed to do.

That a few days ago the judge advocate received a telegraphic message from the Judge Advocate General, Hon. Joseph Holt, advising the judge advocate of this commission that the Secretary of War had declined to cause the said witnesses to be brought before this commission.

That in the opinion of this deponent the cause of the accused is prejudiced greatly by said decision. And as the affidavit aforesaid has been, as deponent is informed and believes, sent to Washington, and has not been made a part of the record in this cause, this deponent, for the purpose of having the facts contained therein appear of record, begs to state on oath that the defendants expected to be able to prove by said witnesses that they were well acquainted with John T. Shanks, a witness sworn and examined on the part of the government in this cause, and that they record his general character for veracity among his neighbors in Texas, and that the same was very bad; and the defence also expected to be able to prove by said witnesses that the said John T. Shanks had been arrested, tried, convicted, and sentenced for the crime of forgery at Austin, in Texas, which the said Shanks denied on the witness stand.

And this deponent further saith that the name of one P. C. Wright, now a prisoner at Fort Lafayette, (but not a rebel prisoner of war,) has also been furnished to the judge advocate with the request to have his attendance procured; that said Wright is a material and necessary witness for the defence in this cause, and that an affidavit of the materiality of his testimony and the facts expected to be proved by him has been filed and placed on the record in this cause, and his attendance has been requested by this commission to be asked for; that no reply whatever to said last request has been, to the knowledge of this deponent, received, and that the defence consider this testimony of said Wright to be important and material for the accused in this cause, and that they are unable to prove the facts known to said Wright by any other witness, but that the said facts are known to said P. C. Wright alone.

And the defendants respectfully protest against being forced to close their testimony without the testimony of said Wright, or until the War Department shall decide that said Wright will not be allowed to attend.

Subscribed and sworn to before me, at Cincinnati, this 31st day of March. 1865.

H. L. BURNETT, *Judge Advocate.*

MILITARY COMMISSION ROOM,
Cincinnati, Ohio, March 24, 1865.

THE UNITED STATES	}	On trial before a military commission.
vs.		
BUCKNER S. MORRIS and others.		

On motion for the production of P. C. Wright as a witness before the commission, the defendant, Buckner S. Morris, states under oath that P. C. Wright, said to be at this time a prisoner at Fort Lafayette, is a material witness on his behalf on this trial, and can, as this defendant is advised and believes, testify to material and important facts which cannot be proved by any other witness. This defendant expects to prove by this witness, among other things, the following facts, to wit: that the address over the signature of P. Caius Urbanus, S. C., which has been given in evidence on the part of the prosecution, was written and published by him, P. C. Wright, declaring to the association of the order of "American Knights" *publicly* his own personal views of the state and condition of public affairs of the country, and what he considered, himself, to be the duty at the time of every good citizen who desired to preserve the Constitution and liberties of this country; that that association had never authorized or directed him to make any such publication of his views; nor did the association in any form

ratify or adopt these views under the requirements of the order; nor were the members of it bound to adopt these as their doctrines, except so far as each member might concur in their correctness, and that the sanction of the correctness of these views was never made a test of membership in this order. And defendant expects further to show by this witness that the institution of the order of American Knights, so far as he participated in it or gave orders to the subordinate temples, never had in view or for its object resistance to the authority of the Constitution of the United States or to the constituted authorities engaged in administering it; on the contrary, that the leading object of the order was to exert an influence to maintain the constitutional rights of the federal government, as well as the rights of the State, as established by the framers of the government. Also that this witness, as the "supreme commander" of the order, never ordered, directed, or advised the members of the order that it was their duty to aid the southern rebellion, or to release the confederate prisoners of war. And further, that this witness inducted this deponent into the order privately, and desired him to join the same at the time for the purpose of exerting a conservative influence in the order, and to keep the order from engaging in anything in violation of the laws of the country, and specially instructed defendant to give the order his attention with a view to this end, under the exciting and turbulent condition of our political affairs.

B. S. MORRIS.

Sworn to before me and subscribed in my presence, this 24th day of March, 1865.

H. L. BURNETT,
Judge Advocate, D. O. and N. D.

THE UNITED STATES }
vs. } Before a military commission, Cincinnati, Ohio.
BUCKNER S. MORRIS. }

The defendants respectfully state to the court that subpoenas have been duly issued by the judge advocate for S. Corning Judd, of Lewis county, Illinois, the grand commander of the Sons of Liberty in the State of Illinois, and for James A. McMasters, of the city of New York, who was also an officer in the supreme council of the Sons of Liberty, which subpoenas, as the defendants are informed and believe, have been duly served. That said witnesses have not obeyed said processes. That said S. Corning Judd and James A. McMasters have since the service of said process been notified to attend, but have disregarded both the said process and notification.

The defendants therefore respectfully request that compulsory processes may issue to enforce the attendance of said witnesses.

T. W. BARTLEY, T. M. KEY, and ROBERT HERVEY,
Counsel for Defendants, Morris and Grenfel.

MARCH 24, 1865.

EXHIBIT W.

S S.

OFFICE OF J. M. SCUDDER, M. D., 98 WEST SIXTH STREET,
Cincinnati, April 1, 1865.

DEAR SIR: I have carefully examined the records of the Eclectic Medical Institute of Cincinnati, and do not find that Isaiah Winslow Ayer ever attended a course of lectures or graduated in said institute.

Our record for the session of 1849'50 is not perfect.

[SEAL.]

JOHN M. SCUDDER, M. D.,
Dean of the Faculty.

ROBERT HERVEY, Esq.

CHICAGO, *August 30, 1864.*

CAPTAIN: I find that many of the boys entertain still a shadow of doubt concerning my position. I have heard it said this morning in all probability I had revealed this thing to *Macgoman*. In answer to this I have only to answer, that I am too old a soldier, that I am possessed of too much reason, that I am too sensible, to do *anything of that sort*. I have to the best of my ability rectified the error that the Do. committed this morning in visiting the barber shop, and I now believe it is all right. In conclusion, I will say, that as it is so lacerating to my feelings to remain enveloped in this cloud of suspicion, and as it seems almost impossible to rid myself of it entirely, that I will quietly sever my connection with them, and endeavor henceforth to follow that path of duty which my own reason points out to me to be proper.

You will accept my earnest and heartfelt thanks for the kindness and the *max-liness* with which you have received me. You will continue, if you please, to regard me as a soldier and a gentleman, and you will recollect that I shall be in this town for at least two days, and that when the time comes, I, if I am notified, will be with you.

Yours truly,

BEN. M. ANDERSON.

A true copy :

H. L. BURNETT,

Judge Advocate, D. O. and N. D.

 EXHIBIT X.
MARSHALL, *September 2, 1864.*

CAPTAIN: I came down for the purpose of holding a consultation with you, but failing in that, have determined to be governed by my own judgment alone. Bealle, Hansboro, and the other gentleman are at Robinson.

I wish to say here, that it is my fixed belief that the country will not sustain you in the manner you expect, and at the same time it is in my judgment the most essential that some action should be taken prior to the coming election, for if McClellan be elected, as now seems very probable, terms of peace will be offered of such a nature as to be immediately rejected; the entire north will be then united in the prosecution of the war, and then the blood and treasure of the south will have been wasted in vain. You have now, in my opinion, a very important duty to perform, and one which, if it results successfully, will most assuredly place your name high in the annals of war. That line of action, in my judgment, is to be governed only to a certain extent by *policy*, and after that to make use of some precipitation; still, however, keeping the accused democracy in the front, and thus compromising them to such an extent that their only hope will be in continued resistance.

For my own part of the programme, I will choose that of seeing Woodford and urging him to embark in the struggle. If I am unsuccessful in this, I will rejoice you within ten days. Of course I shall not mention anything of this matter in my conversation with him. Believing that you will indorse this action on my part, and with many thanks to both you and the doctor for the kindness with which you have received me, and with the assurance that if I am unsuccessful in my attempt, I will return within ten days and serve with you as a private or anything else. I remain your friend,

ANDERSON.

Possibly it may be necessary for me to go to Canada before returning here, but at all events I will be with you within ten days. My only object in going thither would be to receive the judgment and advice of Colonel Carson, and I do not know that it will be absolutely essential, *but it may, under the circumstances, be proper.*

You will of course throw aside all those idle suspicions, and hold me not only as true, but as incapable of breaking the pledge I have given you and deserting my friends under existing circumstances. I merely add this for fear that a very faint tinge of the foolish thing may still remain behind; understand me when I tell you that I hold you as my friend, and when I say that much, understand that it means something.

You must not forget Bell; he is a good man and a fine soldier.

I cannot help to a certain extent being slightly sensitive, and I am afraid you will think I am dissatisfied, but I assure you I am not; and so far from being so, let me now tell you that I think what has already been done, although unattended with success, was decidedly the boldest move of the war, and as I have already written a portion of Pollard's Second Year of the War, I intend to have the matter incorporated in the third volume.

I will be with you within ten days.

ANDERSON.

A true copy :

H. L. BURNETT,
Judge Advocate, D. O. and N. D.

EXHIBIT Y.

Received in care of Colonel T.:

Aug. —. In gold	\$2,000
Aug. —. In United States currency	2,500
Aug. —. In United States currency	600
July —. Previously received in gold	300
Expended for transportation to Chicago	3,100
Expended for expense in Ca. of 70 men, forty dollars each	2,800

Received:

Sept. 1. From Colonel Barrett, September 1st, to defraying expenses to Ca.	500
Sept. 2. Of Hunter for travelling expenses and contingent outlay	2,445
Previously of—	

Paid out:

Sept. 1. To expense of transportation to Ca.	700
Sept. 1. To expense of transportation of committees	800
Sept. 10. To expense of transportation of "medicine"	150
Sept. 10. Travelling expenses of Shultz, Nauhan, and Thorpe	150
Sept. 11. Additional expenses to Beall in Ca.	50
Sept. 11. Additional expenses to Offutt in Ja.	70
Sept. 11. Additional expenses to Stone Sampson	40
Sept. 11. To Colonel Anderson	50
To Shultz, travelling expenses to Ca.	100
Sept. 13. To Thomas, special, &c.	100

Sept. 13. To Ignacio, special, &c.....	\$100
Sept. 16. To Shultz, special, &c.....	100
Travelling expenses of self from Ca., from Chicago and to St. Louis.....	150

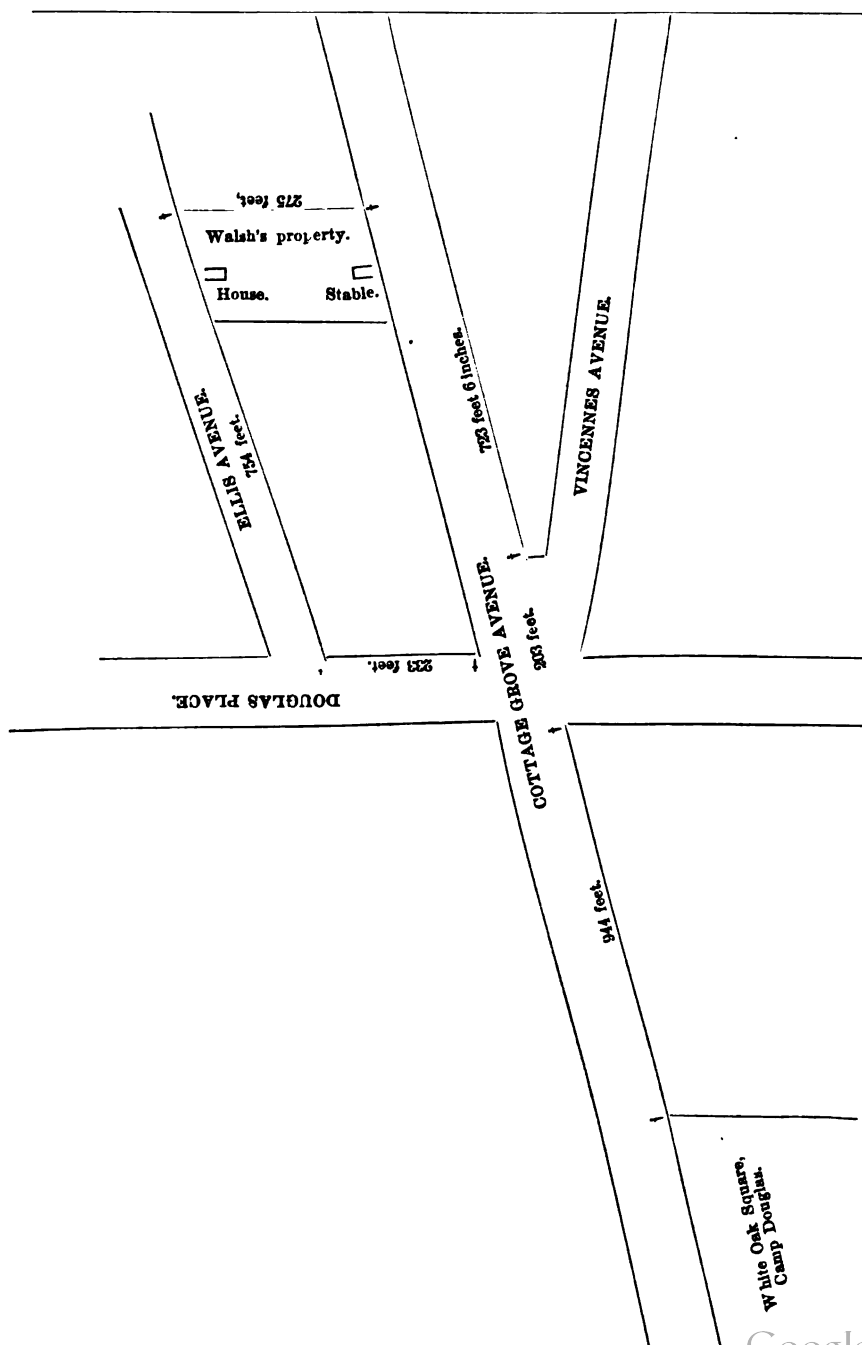
Thomas *alias* Thomas Snyder; Ignacio, J. Manuel; Shultz, S. T. Lewis.

I certify that the foregoing is a true copy from memorandum-book found on
J. B. Castleman.

H. L. BURNETT,
Judge Advocate, D. O. and N. D.

EXHIBIT Z.

Plan showing distance from Camp Douglas gate to Charles Walsh's house.



MCLEAN MILITARY PRISON, *May 19, 1865.*

DEAR SIR : This letter will be handed to you or sent to you by my legal adviser, Mr. Robert Hervey, of Chicago. He will explain to you more fully than I can the unfortunate position that I am in, with a sentence of death hanging over me for being the leader of a conspiracy to burn the town of Chicago, a deed abhorrent to my nature. I can only say that I was accused and convicted of having conspired, with six other individuals, five of whom I had never seen or heard of in my life, the sixth was formerly in Morgan's command, but left in September, 1862, since which time I never heard from him or of him.

If the slight services I was enabled to render you by my position as inspector general of cavalry are fresh in your recollection as the kind hospitality you tendered is in mine, I am sure I may calculate upon your using all your influence to assure the President that, so far from being the bloodthirsty, reckless being my accusers would make me out to be, I was, while in the Confederate States service, the protector of every one, irrespective of politics, against the lawless depredations of our troops.

I beg my kind regards to your family, and remain, dear sir, yours very faithfully,

G. ST. LEGER GRENFEL.

JOHN MINOR BOTTS, Esq.,
Culpeper County, Virginia.

I left all the papers connected with your claims, as well as your pickaxe and spade, with Mr. Peter Johnson, of Richmond, to be sent to you. Grant's advance prevented my seeing you to hand them over in person, and Stuart did everything in his power to prevent my calling on you.

You will have peace and quietness now.

JOHN MINOR BOTTS, Esq.,
Culpeper County, Virginia.

97 DEARBORN STREET, CHICAGO, ILLINOIS,
May 30, 1865.

SIR : I am one of the counsel for Colonel G. St. Leger Grenfel, who has been convicted of conspiracy before a military commission at Cincinnati, and, it is supposed, capitally sentenced. Judge Advocate Burnett, who conducted the prosecution, seemed to have a very unfavorable impression of Colonel Grenfel, and used that much to his disadvantage. I therefore enclose you a letter from Colonel G., and if you recollect the occurrence to which he refers, and can use any influence in his behalf, it will be most gratefully appreciated by himself and his friends.

I am, sir, your obedient servant,

ROBERT HERVEY.

Hon. JOHN MINOR BOTTS, *Washington.*

WILLARD'S HOTEL, *June 17, 1865.*

DEAR SIR : A few days since I received a letter from Colonel St. Leger Grenfel, and one, also, from his counsel, informing me of the trial and conviction of Colonel G. for participating in a conspiracy to burn the city of Chicago, and requesting me to make a statement to the proper authorities of what I knew of Colonel G. and his character. Of course I can know nothing of the merits of

this particular charge, as I have not seen the testimony, and if the evidence is of such a nature as to establish his co-operation in so infamous a crime, then he deserves any fate that may await him, and I would be the last person to interfere in his behalf, but I should require strong, conclusive, and unimpeachable testimony of his guilt before I should bring my mind to believe him capable of so great an offence.

In the fall of 1863, when the confederate army retreated to the other side of the Rappahannock, the cavalry force of General Stuart (as had been their custom from the time I purchased the farm on which I reside) settled down on my premises and engaged at once in the general destruction of my property. Upwards of 3,000 cavalry were turned loose upon me, with orders, as the men averred, to destroy whatever they pleased; and sad havoc they made of my cornfields, fencing, stock, &c., &c. It was at that time that I met with Colonel Grenfel, then acting as inspector general of cavalry. He expressed himself in decided terms of indignation at the outrages that had been committed, and furnished me so much valuable aid in repressing the violence of the men encamped about me, that I invited him to make his headquarters at my house, which he did, and remained with me until about the time that General Meade recrossed the Rappahannock, and General Lee retreated beyond the Rapidan. During this period he did everything in his power for the preservation of my property, and always spoke with detestation of the practice of the confederate army, in regard to the destruction of private property, as being contrary to the usages of civilized warfare, and derogatory to the character of the government and officers that tolerated the custom. During the fortnight he remained under my roof he impressed me with the conviction that he was not only the most rigid disciplinarian in the service of the confederacy that I had met with, but that he was a gentleman of too much elevation of character ever to engage in such a conspiracy as that with which he has been charged and convicted by a military court. He made report to General Lee of the injury that had been done to my property, reprobating, in strong terms, the officers that had not only allowed, but encouraged it.

From himself I learned the following facts: That he was a colonel in the British army; that for services rendered in the Crimean war he had been sent to South America in some public capacity, where he had finally settled down on a large body of land, devoting himself to the pursuits of agriculture and raising sheep, in which vocation he was employed at the time of the breaking out of the rebellion; that having been brought up a soldier, and having a natural disposition for the service, on learning "that the southern States were engaged in a struggle for independence" he came among them and offered his services, which were at once accepted. He was assigned to General Morgan's command. To use his own language, he found them a band of horse thieves and plunderers of public and private property, carrying on a system of warfare to which he had never been accustomed, and which was revolting to his nature; he became disgusted, and declined any further service in that quarter; he returned to Richmond, made a representation of the above facts to the department, and he was then assigned the position of inspector general of cavalry, under command of General J. E. B. Stuart, in which capacity, as I have said, he was serving when I first met with him. During his stay with me I had frequent and daily conversations with him. I found him laboring under the most erroneous impressions as to the real objects and purposes of the rebellion, which I was successful in removing. I impressed him with my own conviction of the atrocity and wickedness of the leaders who had brought such desolation and ruin upon the country from the basest and most sordid considerations of perpetuating their own power under a southern confederacy whenever they failed to retain it under the national organization; in other words, that it was a substitution of the cartridge-box for the ballot-box for the accomplishment of an end that they had been thirty years preparing for.

I laid before him such facts as were satisfactory to his own mind, and he declared to me, over and over again, his deep regret that he had ever lent his assistance to such a cause, and that he would resign his commission and leave the confederacy as soon as he could find an opportunity to square up his official functions. He was in this state of mind when he left me, under peremptory orders to leave my house, which was always regarded as a dangerous one to the confederate cause. In two days after these orders were served upon him General Lee retired beyond the Rapidan, and I have not seen Colonel Grenfel since; but when I next heard of him, through one of his friends in Richmond, he had made good his determination by resigning his commission, and had left the confederacy thoroughly disgusted with everything connected with the government and all its officials.

Now I cannot say what changes may have come over the gentleman, or what influences may have operated upon him since, but I can, and do, say that with such antecedents as these, I should require the most conclusive and unimpeachable testimony of his guilt before I would subject him to punishment for such an offence as he stands charged with. That he would involve himself in such a crime in a cause that he had abandoned with feelings of indignation and disgust, and in the absence of all sympathy with those who were engaged in it, is one of those incomprehensible things that I cannot readily bring my mind to believe.

I offer this statement as a simple act of justice to a gentleman of whom I had formed a good opinion; and in the absence of all knowledge of the facts resting upon his case, I must hope and believe he is not guilty of the foul crime of which he stands convicted.

I am, respectfully, &c.,

JOHN M. BOTTS.

Hon. Mr. HOLT, *Judge Advocate, &c.*

P. S.—If not required to be retained, I would thank Mr. Holt to have the letters of Colonel G. and his counsel returned to me, as I have forgotten their address and name of the counsel to whose letter I desire to make an answer.

FORT JEFFERSON, FLORIDA,
April 8, 1866.

GENERAL: I have the honor to transmit herewith a paper that has been submitted to me for transmittal to you by G. St. Leger Grenfel, a prisoner in confinement at this post; and, in forwarding it, it is but just to add that his conduct has been not only unexceptionable, but that his strict and cheerful attention to the duties required of him has attracted the special notice of the officers of the post.

Very respectfully, your obedient servant,

B. H. HILL,

Lieut. Col, Fifth Art., and Bvt. Brig. Gen., Com'd'g Post.

ADJUTANT GENERAL U. S. ARMY,
Washington City, D. C.

FORT JEFFERSON,
April 6, 1866.

I left the confederate service, in which I was a colonel and inspector general of cavalry of the army of Virginia, in May, 1864. I left it of my own accord, and, although I was off red promotion if I would remain, in consequence of a

serious dispute with Mr. Jefferson Davis himself; and nothing could have induced me to serve again under a government so unjust and ungrateful.

I ran the blockade to Bermuda from Wilmington, and I should have had to remain fourteen days in that miserable island if I had not sailed for New York. This I did with the approbation of the American consul, on condition that I presented myself to General Dix on my arrival. I did so. General Dix ordered me to report to Mr. Seward; Mr. Seward to Mr. Stanton. Mr. Stanton, after a long examination, told me I might go where I liked provided I took the amnesty oath. I took the amnesty oath and returned to New York, where I fell in with some old friends, and was persuaded by them to accompany them on a trip to Sharon Springs, Trenton Falls, Saratoga, and Canada. From Saratoga we went to Niagara; from thence to Montreal, to Toronto, and then to Georgian bay, on an excursion. There we formed a party to shoot Prairie chickens in Illinois, passing through Chicago during the time of the convention, and settling down at Carlisle, in a house kept by an Englishman called Baxter, and a great resort for sportsmen during the shooting season. My companions were always Englishmen, and not a single American joined us except one old friend of mine, and his wife, her sister, and his four children; the eldest fourteen years of age.

Here I remained eleven weeks, but on the approach of winter, being anxious to reach England, I started for Canada—where I had left my heavy baggage—but was arrested at Chicago, where I had only been a few hours. I knew not a soul in Chicago, not even by name. I had not seen a southern soldier from the time I passed through Chicago until the time of my arrest. I knew nothing of the plot for which I was arrested, not even where Camp Douglas was situated. Had I not been arrested I should have left for Canada by the morning train.

This is a short but true account of all my movements from the time I left the confederate States up to that of my arrest. I can only solemnly assert my entire innocence of the charges against me, and trust that God will clear me in His own good time.

I have nothing further to add, except that a full statement of my case was drawn by my legal adviser, Mr. Robert Hervey, of Chicago, and transmitted by Sir Frederick Bruce to Mr. President Johnson.

Were I allowed an opportunity, now that the war is over, and witnesses are to be obtained—which, at the time of my trial, was not the case—I could satisfactorily prove that I was not a party to the Chicago conspiracy, either in word or deed; besides which I could, from knowledge obtained in prison, give information which would, if required, (although I rather think it might not now be welcome,) throw light upon the whole affair.

G. ST. LEGER GRENFEL,

A Prisoner Condemned to Hard Labor for Life, in Dry Tortugas, Fla.

[Indorsements.]

ADJUTANT GENERAL'S OFFICE,
April 26, 1866.

Respectfully referred to the bureau of Military Justice for remark.

WM. ATWOOD,
Assistant Adjutant General.

WAR DEPARTMENT, BUREAU OF MILITARY JUSTICE,
May 5, 1866.

Respectfully returned to the Adjutant General.

This bureau has heretofore expressed the conviction that the prisoner Grenfel, found guilty of complicity in the plot known as the Chicago conspiracy, and now undergoing sentence of imprisonment for life for that offence, should be made to expiate his crime by suffering the penalty imposed.

The within statement and testimony to his good behaviour in confinement are not considered to warrant any action by the Executive.

He protests his innocence and says: "Were I allowed an opportunity, now that the war is over, and witnesses are to be obtained—which, at the time of my trial, was not the case—I could satisfactorily prove that I was not a party to the Chicago conspiracy, either in word or deed; besides which, I could, from knowledge obtained in prison, give information which would, if required, (although I rather think it might not now be welcome,) throw light upon the whole affair." The prisoner has been confined, in all, about a year, and it is for the President to determine the weight which shall be given to this fact, and to the statement quoted, in view of the altered condition of the country, and of public affairs.

A copy of the former report in the case is inclosed for the President's information.

The bureau does not feel justified in submitting any favorable recommendation.

J. HOLT,
Judge Advocate General.

The President declines to take favorable action on the petition.

E. D. TOWNSEND,
Assistant Adjutant General.

MAY 30, 1866.

EXHIBIT 1.

CONSTITUTION AND BY-LAWS OF THE SOCIETY OF THE ILLINI OF CHICAGO.

SECTION 1. The association shall be styled "The Society of the Illini."

SEC. 2. The officers of this society shall consist of a president, two vice-presidents, a secretary, and treasurer, who shall act as an executive committee for regulating the business of the society.

SEC. 3. All officers of this society shall be elected by a majority of those present at the semi-annual meetings of the society, and shall hold their respective offices for the period of six months, and until their successors shall be duly elected.

SEC. 4. The president shall preside at all meetings of the society, and in the absence of the president the vice-presidents shall preside at all meetings in order of seniority.

SEC. 5. The secretary shall keep such books of the society as the society may from time to time, by resolution or order, direct, and shall conduct such correspondence as the society or executive committee may direct.

SEC. 6. The executive committee shall, by such means as they deem most effective for that purpose, form and establish a more perfect organization of this society. The times of meeting and mode of proceedings of said committee shall be prescribed by themselves, and they shall appoint such officers as they shall deem proper.

SEC. 7. All sums subscribed to this society shall be paid to the executive committee.

SEC. 8. The society shall hold a weekly meeting on a stated day, and semi-annual meetings on the 22d day of August and 22d day of February.

SEC. 9. Any vacancy in any office of the society shall be filled by the society at the weekly meeting which takes place after the happening of such vacancy.

SEC. 10. This constitution may be amended on the motion of any member, who shall, at a regular meeting, file his motion in writing, with a copy of the proposed amendments, which motion shall lie on the table until the next regular meeting of the society, when it may either be adopted, rejected, or modified by a two-thirds vote of the members present.

SEC. 11. The officers of this society shall be elected by ballot, by a majority of all members present, of a quorum, at the semi-annual meeting or time appointed for such election.

SEC. 12. The purposes and objects of this society being the more perfect development of the literary, scientific, moral, physical and social welfare of the conservative citizens of Chicago, and for mutual assistance and aid to the families of its members, and to secure the triumph of democratic principles, we do pledge ourselves to each other to maintain and adhere to this constitution, and to use all honorable efforts to secure the authority of democratic principles in the administration of the government.

BY-LAWS.

Meetings of the society.

RULE 1.—Regular meetings of the society to be held on Wednesday, each and every week.

Notices of special meetings shall be served by the sergeant-at-arms on each officer personally, or by leaving notices at his usual place of abode, or in the post office, or by publication in some newspaper, as the society may from time to time direct.

The sergeant-at-arms shall have charge of the society rooms and give his attendance at all meetings of the society.

Order of business.

RULE 2.—1. Reading of the minutes of the preceding meeting or meetings ; amendments and approval of the same.

2. The presentation of communications.

3. Reports of officers.

4. Initiation of members.

5. Reports of standing committees.

6. Reports of select committees.

7. Unfinished business of preceding meetings.

8. Miscellaneous business.

RULE 3.—All questions relative to priority of business shall be decided without debate.

Duties and privileges of the president.

RULE 4.—The president shall preserve order and decorum, and shall decide all questions of order, subject to an appeal to the society.

RULE 5.—Every member, previous to his speaking, shall rise from his seat and address himself to the president, and say, "Mr. President," but shall not proceed with his remarks until recognized and named by the Chair.

RULE 6.—When two or more members rise at once, the president shall name the member who is first to speak.

Duties of the secretary.

RULE 7.—It shall be the duty of the secretary to keep a correct list of the members of the society, and to keep correct minutes of all business transacted by the society in a book or books provided for that purpose, and he shall enter upon the records the names of the officers elected by the society, with the date of their election, and issue commissions to all such officers; and he shall give proper and timely notice of all regular meetings of the society, under direction of the president, or any other proper authority that may be provided by the rules; issue notice of special meetings, by leaving (or causing the same to be done) a written or verbal notice at the place of business or dwelling-place of the proper officer, (as the exigencies of the meeting may require,) stating the time and place of said meeting.

Duties of the treasurer.

RULE 8.—The treasurer shall have power to receive and deposit in some safe place all moneys that may be paid the executive committee for the benefit of the society, and all voluntary subscriptions that may otherwise be made to the society. The treasurer's books shall at all times be subject to an examination by the executive committee or any other committee that the society may appoint for that purpose, and he shall pay all bills when the proper warrant is drawn on him, and there are funds in the treasury to meet them. He shall make a regular monthly report of the condition of the treasury, and at any other time that the society may require.

Duties and privileges of members.

RULE 9.—When a member wishes to present a communication, petition, or report, he shall rise in his place and address the president in the usual form, and having briefly stated the subject of such communication or report, ask leave to present the same.

RULE 10.—No member shall speak more than twice to the same general question, or more than once to a previous question, without leave of the society, or occupy more than — minutes speaking at any one time, nor speak more than once in any case, until every member choosing to speak shall have spoken.

RULE 11.—A member called to order shall immediately sit down, unless permitted to explain. If there be no appeal, the decision of the Chair shall be conclusive; but if the member appeal from the decision of the Chair, the society shall decide on the question without debate.

RULE 12.—Every member who shall be present when a question is put by the Chair shall vote thereon unless excused by the society, or unless directly interested in the question in which case he shall not vote.

RULE 13.—No motion shall be put or debated until it is seconded. When a motion is seconded it shall be stated by the president before debate, and by the clerk entered upon the record.

RULE 14. After a motion or resolution is stated by the president, it shall be deemed to be in possession of the society, but it may be withdrawn at any time before decision or amendment.

RULE 15.—If the question in debate contains several distinct propositions, any member may have the same divided, when the same admits of it.

RULE 16.—In all cases, when a resolution or motion is entered in the minutes, the name of the mover shall also be entered.

Taking and entering vote.

RULE 17.—If any member requires it a division of the society, upon any question, shall be taken, unless called for previous to any vote on the question.

Precedence of questions.

RULE 18.—When a question is under debate the only motion in order shall be:

1. To adjourn.
2. The previous question.
3. To lay on the table.
4. To postpone indefinitely.
5. To adjourn to a certain day.
6. To refer.
7. To amend.

And such motions shall have precedence in the order herein arranged, the first three to be decided without debate.

Adjournment.

RULE 19.—A motion to adjourn the society shall always be in order, except:

1. When a member is in possession of the floor.
2. While the yeas and nays are being called.
3. When the members are voting.
4. When adjournment was the last preceding motion; or—
5. When it has been decided that the previous question shall be taken.

RULE 20.—A motion to adjourn simply cannot be amended, but a motion to adjourn to a given time may be, and is, open to debate.

Previous question.

RULE 21.—When the previous question is moved and seconded, it shall be put in this form, "Shall the main question be now put?" If this is carried all proposed amendments and all further motions and debate shall be excluded, and the question be put without delay.

To refer.

RULE 22.—A motion to refer to a standing committee shall take precedence of a similar motion for a special committee.

To lay on the table.

RULE 23.—A motion to lay a question on the table simply is not debatable, but a motion to lay on the table and publish, or any other condition, is subject to amendment and debate.

Indefinite postponements.

RULE 24.—When a motion is postponed indefinitely it shall not be taken up during the same meeting.

To amend.

RULE 25.—A motion to amend an amendment shall be in order, but to amend an amendment to an amendment shall not be entertained.

RULE 26.—An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different subject shall not be in order.

RULE 27.—On an amendment "to strike out and insert," the paragraph to be amended shall first be read as it stands, then the words proposed to be struck out and those to be inserted, and, finally, the paragraph as it would stand if amended.

Reconsideration.

RULE 28.—A question may be reconsidered at any time during the same meeting, or at the first meeting held thereafter. A motion for reconsideration being once made, and decided in the negative, shall not be re-moved before the next meeting.

RULE 29.—A motion to reconsider shall be made and seconded by members who voted in the majority.

RULE 30.—No question shall be reconsidered more than once, nor shall a vote to reconsider be reconsidered.

Committees.

RULE 31.—All committees shall be appointed by the president, unless otherwise specially directed by the society.

RULE 32.—All committees shall consist of three members each, unless some other number be specified, and the first person mentioned shall be chairman.

RULE 33.—On the acceptance of a final report from a committee, the said committee shall be considered discharged without a vote, unless otherwise ordered.

Reports of committees.

RULE 34.—Committees to whom references are made shall, in all cases, report in writing the state of facts, with their opinions thereon.

RULE 35.—All reports of committees shall be addressed to the president and members of "the society of the Illini;" shall briefly describe the matter referred and the conclusions to which the committee has arrived, which conclusions should be summed up in the form of an order, resolution, or recommendation.

The rules.

RULE 36.—No appropriation shall be made by the society unless there is money in the treasury sufficient to pay it.

RULE 37.—Three members of the executive committee shall be a quorum for the transaction of business.

RULE 38.—No warrant shall be legal unless it has been passed by order of the executive committee, and is countersigned by the president and secretary.

RULE 39.—These rules may be temporarily suspended by a majority of the members present, but shall not be repealed, altered, or amended unless by a concurrence of two-thirds of the members voting.

RULE 40.—The society shall have power to make such additional rules, from time to time, as may be considered necessary for the better regulation of the affairs of the society.

WAR DEPARTMENT, BUREAU OF MILITARY JUSTICE,

December 27, 1864.

Respectfully returned to Colonel Hardie, inspector general United States army.

No records relating to the within named are found in this office.

By direction of the Judge Advocate General.

A. A. HOSMER,
Major and Judge Advocate.

BUREAU OF MILITARY JUSTICE,
March 31, 1865.

DEAR SIR : I have the honor to state that the record of the trial of St. Leger Grenfel, which is supposed to have taken place recently, has not yet been received at this bureau. Unless it is desired that the papers accompanying your note of the 16th instant should be returned without further delay, they will be retained until the record arrives, with a view to their being considered therewith.

Very respectfully, your obedient servant,

J. HOLT,
Judge Advocate General.

HON. WM. H. SEWARD,
Secretary of State.

WAR DEPARTMENT, BUREAU OF MILITARY JUSTICE,
June 29, 1865.

To the President :

The following report of the opinion of this bureau upon the proceedings at the trial by military commission of certain persons charged with conspiracy to liberate rebel prisoners of war confined in Chicago, and to destroy and sack that city, is respectfully submitted.

The commission began its session on the 11th of January, 1865. The prisoners arraigned before it were: Charles Walsh, Buckner S. Morris, Vincent Marmaduke, R. T. Semmes, Charles T. Daniel *alias* Charles Travis, G. St. Leger Grenfel, and Benjamin M. Anderson.

Walsh was convicted and sentenced to five years penitentiary confinement; Morris and Marmaduke were acquitted by the commission; Semmes was convicted and sentenced to three years' imprisonment; Daniel escaped from confinement during the trial, but was, notwithstanding, convicted and sentenced to death; Anderson committed suicide in prison, and Grenfel was convicted and condemned to death.

General Hooker approves the proceedings in all the cases, and in those of Daniel and Grenfel refers the proceedings for the action of the President. He designates the penitentiary at Columbus, Ohio, as the place of confinement for the prisoners Walsh and Semmes.

In the case of Walsh a separate report has been rendered unnecessary. In the case of Semmes a special report upon his application for pardon was prepared in this bureau on the 6th of June, and has been submitted to the President.

The prisoners were arraigned upon the following charges :

First. Conspiring, in violation of the laws of war, to release the rebel prisoners of war confined by authority of the United States at Camp Douglas, near Chicago, Illinois.

The time laid in the specifications as that selected for the perpetration of these crimes was the 1st day of November, 1864, or thereabouts.

The action of the commission in proceeding to the conviction and sentence of the prisoner Daniel, after his voluntary flight, has the sanction of precedent, and has been held by this bureau to be justifiable in the similar case of Harrison H. Dodd, grand commander of the order of the Sons of Liberty, in the State of Indiana. The opinion expressed in the report upon that case in favor of the legality of such a course is still adhered to by this bureau.

Daniel is shown to have been a soldier in the so-called confederate service, and was arrested on the roof of the house occupied by Walsh, now under con-

viction for participation in the conspiracy. There can be no doubt that he was one of a large number of rebel fugitives, sent from Canada to aid in the hideous projects of the conspirators, and the abandonment of his defence by voluntary flight is believed to have been properly accepted by the commission, apart from the evidence, as a confession of his guilt. It is respectfully recommended that the sentence in his case be approved.

In the case of G. St. Leger Grenfel, now under sentence of death for complicity in the conspiracy, a careful examination of the record brings this bureau to the conclusion that the commission are warranted by the evidence taken in the case, and by the rules of law as applicable to the impeachment of witnesses, in the findings to which, after a most patient, and doubtless absolutely impartial investigation of the case, they have ultimately arrived.

That a plot for the release of the prisoners at Camp Douglas, and the destruction of Chicago, was planned and nearly matured, is placed beyond a doubt by all the evidence in the case. That it was designed and matured by rebel agents of the confederate government in Canada, its cost defrayed from funds placed in the hands of those agents for such purposes, and a large number of those who were to have been its perpetrators sent thence to aid and lead in the assault, is also demonstrated. The proofs are further conclusive that many of the more prominent leaders of the order of the Sons of Liberty were cognizant of the design, lent it their hearty approval and support, and aimed to involve in it, through the machinery of their treasonable associations, the multitudes of deluded followers, whose faith in the government they had taken every measure to undermine, and whose obedience to their mandates they had, as they thought, secured by the most solemn and binding obligations. The evidence which tends to fasten upon Grenfel a knowledge of and participation in the plot is of such a nature as to satisfy this bureau of the correctness of the conclusions of the court. It is chiefly that of a witness named John T. Shanks, formerly in the rebel service, and lately a prisoner of war at Camp Douglas. He was employed in November last, by the commanding officer of the post, Brigadier General Sweet, to act as a detective in the discovery of evidence against persons supposed to be connected with the conspiracy for the release of the Camp Douglas prisoners and the destruction of the city of Chicago.

Grenfel, whom the witness knew to have been formerly in the rebel service, was then at the Richmond House, and had registered his name without concealment upon its books. With him the witness Shanks sought an interview, and he details on the stand a conversation which he states he himself had with Grenfel, in company with a man of the name of Fielding, from whom he also swears that he obtained, in a separate conversation, further corroborative proof of Grenfel's complicity in the alleged conspiracy. At his first interview with Grenfel the witness states that no one else was present, and that they separated after a few questions had been put him as to the readiness of the Camp Douglas prisoners to co-operate with assistance from without. The second meeting was at half past nine on the same evening, when Grenfel introduced him to a Mr. Fielding. This interview was also brief, in consequence of Grenfel's stating that he was ill, and Fielding at once went away with witness to another room, where much information was imparted to the latter on the subject of the plot. Shanks and Grenfel were arrested at the hotel the same night. The witness testifies that at each of these conversations the plans of the conspirators were exposed to him. If his statements are to be relied upon, they fasten upon Grenfel a complete knowledge of the plot, and are amply sufficient to warrant the enforcement of the sentence pronounced by the commission.

Shanks's first interview with Grenfel, as has already been stated, was but of few minutes' duration, which he states were employed by the latter in questions about the willingness of the prisoners to co-operate. They were wholly alone. They met again, by appointment, at half past nine the same evening, and wit

ness was introduced by Grenfel to one Fielding. "Something was said at this interview about effecting the release of the Camp Douglas prisoners, and I was asked by Fielding how many men would be required to accomplish that." Witness volunteered, with two hundred men, to tear down one side of the square, and Grenfel, Fielding, and Shanks went on to arrange the details of the plan. The conversation was with Fielding, but in the hearing of Grenfel, who was walking to and fro and occasionally making suggestions. After witness had, as he states, exhibited a plan of the camp, Grenfel professed to be unwell, and Shanks and Fielding went away to another room, where the details were again minutely gone over and the various parts assigned.

Witness states that he saw a great many others at the hotel that evening who were in the conspiracy, but is unable to give their names. Witness states, in answer to a question of the judge advocate, that at his first interview with Grenfel the latter said that the means for the project were to come from the confederate government, and influential citizens of the north were to co-operate. Colonel Grenfel was to lead the attack on the city. Fielding said there were about fifteen hundred men they could rely on. Grenfel informed witness he was in communication with Judge Morris and his wife in the project.

It was attempted to show, by oral testimony, in order to impeach and discredit this witness, that he had been convicted while a clerk in the land office in Texas, under an indictment for the forgery of land warrants, and to have spent many months in prison in expiation of his crime. This he denied, under oath, in the most positive manner, when cross-examined upon it by the counsel for the defence. It is a well-settled rule of law that the answer of a witness to a question put him on cross-examination upon a collateral matter, and with a view to injure his credibility, must be taken as final.

Evidence in rebuttal cannot be legally admitted afterwards to show the falsity of his answer. And though considerable testimony was subsequently introduced by the defence to show that Shanks had been convicted and punished for forgery, while in Texas, yet his denial of this accusation on cross-examination is legally decisive of the matter, and renders the admission of the rebutting testimony to the particular fact of his conviction for forgery wholly unjustified by all the long-established rules of evidence in criminal trials. Though the evidence referred to was permitted by the court to be introduced, yet, being in fact inadmissible, the subsequent conviction of the accused is to be accepted by this bureau as a proof that the court, in obedience to the rules of evidence, ultimately and very properly disregarded it in their deliberations on the case.

Considerable testimony was further offered by the defence to the worthlessness of Shanks's general reputation in his native State of Texas. The witnesses to this point, however, were themselves Texans, sharers in the rebellion against the institutions of their country, and, therefore, deserving of little credit, when testifying in the interests of one who is known to have been in former years a leader in their armies, to have taken part in some of the most desperate of their projects, and to have entered heart and soul—himself a foreigner, and with no national stimulus to participation—into the vastest struggle for the overthrow of free institutions and the perpetuation of hopeless slavery which the world has ever known.

It has been repeatedly held by this bureau, and the opinion is still adhered to, that the testimony of men in sympathy with the confederate cause is to be regarded as nearly or wholly valueless when given in the interest of one who has shared in their sympathies, and whose punishment, for crimes common to him and to themselves, they are anxious to avert. It is believed, therefore, that the court was justified in the rejection of this testimony, when forming their conclusions upon the merits of the case; and when we further take into consideration the fact that the members of the commission had the advantage of a personal inspection of the witnesses, and could judge of their credibility by a multitude

of signs which wholly escape the observation of him whose duty it is simply to read the written record, it is believed that there can be no justification for a reversal by this bureau, of conclusions arrived at after a most protracted and toilsome investigation, by a tribunal composed of officers of the rank and high intelligence which the members of this commission are known to possess.

Grenfel, it was shown, had come to Chicago direct from a small town in southern Illinois, where he had spent some months in shooting game. He had been for a long time in the service of the confederacy, but had finally retired from it; had reported to the Secretary of War at Washington in June, 1864, and had been permitted to go at large by the latter after a careful investigation of his conduct and purposes.

The evidence of a witness named Langhorne, touching a previous visit of Grenfel's to Chicago, at the time of the meeting of the democratic convention in August, is entitled to a certain weight. Langhorne swears that it had been intended by the rebel agents in Canada, with the co-operation of the Sons of Liberty, to make an attack upon the city at that time; that a number of armed men and large sums of money were sent from Canada for the purpose, and that then, as at the November attempt, Grenfel was to take charge of the expedition.

Langhorne says, in reference to a plan to free the Camp Douglas prisoners in August: "I travelled in company with Colonel Anderson from Toronto to Chicago just before the Chicago convention of last August; we remained all day in the Grand Junction depot. The party I was with got on at Jackson, and when we arrived at Chicago Colonel Grenfel was on the train. I had never seen him before on that trip from Toronto, Canada West. The party I was with were Colonel Anderson, Bell, and Dr. Smith; Grenfel was with others, I suppose.

He then goes on to say that he went to General Walsh's house, and made cartridges, and had a conversation with Walsh, in which the latter said there were upwards of 1,200 men engaged in the enterprise. His next reference to Grenfel is, that the latter told him that Marmaduke was in Chicago, also; which, however, has no bearing on the case, inasmuch as the commission acquitted Marmaduke of the charges. He then states that his party became alarmed from some cause and departed. "Grenfel came down into our room and said he could not find anybody, either Hines or Marmaduke, who could tell him what to do. He afterwards told me that all they had to do was to go to south Illinois and drill copperheads."

It is to be stated here that the evidence of the defence establishes conclusively that he did not do this, but spent the two following months in shooting, in no connection with politics whatever. This is freely admitted by the judge advocate.

The witness is subsequently asked if he had any conversation with Grenfel on the cars from Canada to Chicago, and he replied, "Yes;" that Grenfel came up to the end of the car where he and his party were, wearing a gray suit of clothes, and on being told by witness that in those clothes he "would not live five hours in Chicago," replied "No, this is an old uniform that was worn in an English battalion I once belonged to. I have my English papers, and my dog and gun, and if they ask me what I am doing, I will say I am going a hunting."

The remaining testimony affecting Grenfel is that of one George W. Hull, another rebel soldier. He details a conversation had by him in Kentucky, in October last, with Benjamin M. Anderson, one of the accused, and who committed suicide during the progress of the trial, in which he states Anderson told him of an intended attack on Camp Douglas, and that an Englishman had been found who was to lead the assault. On being pressed, the witness stated that he inquired of Anderson if the Englishman's name was Grenfel, and he thinks he answered that it was.

In the course of the testimony of this witness he describes several cases of cruelty practiced by the accused on Union men while in the rebel service.

These circumstances were not alluded to by the witness until his cross-examination. They are given by him when repeating on cross-examination a conversation had by him on the 9th of January, 1865, with one Dr. Jeffries, in which he swears he first divulged Anderson's revelations made the October previous. His testimony in this matter loses, however, somewhat of its weight, because by his own showing he kept to himself his knowledge of the intended attack on Chicago till after the commencement of the trial. He subsequently swears that he made no mention of Anderson to Jeffries, but confined his remarks to Grenfel only. He swears that he cannot tell how the prosecution knew of his interview with Anderson so as to interrogate him on that point.

Colonel Absalom B. Moore, 104th Illinois volunteers, testifies to a conversation in his hearing immediately after the battle of Hartsville, in December, 1862, between two rebel officers, of whom Grenfel was one; in which conversation one of the two remarked that if he could have his way he would raise the black flag and show no quarter to prisoners. This, however, he is not certain to have heard said by Grenfel, though he is positive that it was not opposed by him at the moment.

Nothing inculcating Colonel Grenfel in any way was found on the search of his private baggage.

The direct evidence to Grenfel's complicity in the conspiracy is chiefly that of Shanks. Through the illegality of the testimony introduced to discredit him, and its necessary rejection by the court and this bureau, he stands unimpeached and is entitled to implicit credit. His testimony is minute, direct, and full, and completely implicates the accused in one of the most stupendous projects of causeless and profitless crime known to modern times.

It should be stated, however, that the other defendants at this trial, many of whom were by the testimony as deeply involved in the conspiracy as Grenfel himself, were spared by the court the shame of an ignominious death on the scaffold, and two of them received a full acquittal at its hands.

It is for the President to determine whether, in the exercise of the mercy vested in him by the laws, some mitigation of the sentence pronounced by the court may not, without detriment to the interests and the safety of the nation, be extended to the accused.

For the accused, himself the subject of a foreign power at peace with our government, and who, without pretence of provocation or wrong, united himself with traitors and malefactors for the overthrow of our republic in the interests of slavery, an institution abhorred by his country and people, there can be neither sympathy nor respect. In the altered condition of public affairs, however, growing out of the overthrow of the rebellion and the arrest or flight of its leaders, and the security for the future thus afforded, it may be that the President will feel justified in sparing even so unworthy and dishonored a life as that of the accused is shown to be. If the death sentence is commuted, it is believed that the punishment substituted should be severe and infamous.

J. HOLT,

Judge Advocate General.

WAR DEPARTMENT, BUREAU OF MILITARY JUSTICE,

January 2, 1866.

Respectfully returned.

No reason is perceived for making Grenfel's case an exceptional one. Like other convicts, he is fed and clothed by the government, and it is due to the interests of public justice, and to an impartial administration of prison discipline, that, both in regard to food and clothing, as in regard to his confinement, he

should be held strictly to the status assigned him by his commuted sentence. As this view, and nothing more than this, is doubtless enforced by the prison authorities, it is not recommended that any action be taken on his application.

J. HOLT,
Judge Advocate General.

The SECRETARY OF WAR.

BUREAU OF MILITARY JUSTICE,
January 3, 1866.

Respectfully returned to the Secretary of War, to whom this bureau on yesterday reported its opinion upon a similar application, which had been presented through the British minister, as follows :

"No reason is perceived for making *Grenfel's* case an exceptional one. Like other convicts, he is fed and clothed by the government, and it is due to the interests of public justice, and to an impartial administration of prison discipline, that, both in regard to food and clothing, as in regard to his confinement, he should be held strictly to the status assigned him by his commuted sentence. As this view, and nothing more than this, is doubtless enforced by the prison authorities, it is not recommended that any action be taken on his application."

J. HOLT,
Judge Advocate General.

BUREAU OF MILITARY JUSTICE,
January 4, 1866.

Respectfully returned to the Secretary of War.

This is a petition from certain inhabitants of Cornwall, England, transmitted through the American minister at London, and forwarded to Mr. Seward, Secretary of State, praying, as a pure act of grace, the release of *St. Leger Grenfel*.

Inasmuch as the justice of the punishment is not denied, and no new facts are presented, this bureau can only refer to its former report fully treating the merits of the case. The commutation of his death sentence was an act of rare clemency, in granting which the President probably yielded only to the pressing intercession of the prisoner's highly respectable friends, through the British legation at Washington. That exercise of the pardoning power, rescuing him from the gallows, to which his merited punishment had consigned him, is believed to have extended the extreme measure of mercy that can be asked in his behalf.

It is therefore recommended that his application be refused.

J. HOLT,
Judge Advocate General.

WAR DEPARTMENT, BUREAU OF MILITARY JUSTICE,
May 5, 1866.

Respectfully returned the Adjutant General.

This bureau has heretofore expressed the conviction that the prisoner *Grenfel*, found guilty of complicity in the plot known as the Chicago conspiracy, and now undergoing sentence of imprisonment for life for that offence, should be made to expiate his crime by suffering the penalty imposed.

The within statement and testimony to his good behavior in confinement are not considered to warrant any action by the Executive.

He protests his innocence and says : " Were I allowed an opportunity, now that the war is over and witnesses are to be obtained, which at the time of my trial was not the case, I could satisfactorily prove that I was not a party to the Chicago conspiracy, either in word or deed ; besides which, I could, from knowledge obtained in prison, give information which would, if required, (although I rather think it might not now be welcome,) throw light upon the whole affair."

The prisoner has been confined, in all, about a year, and it is for the President to determine the weight which shall be given to this fact and to the statement quoted, in view of the altered condition of the country, and of public affairs.

A copy of the former report in the case is enclosed for the President's information.

This bureau does not feel justified in submitting any favorable recommendation.

J. HOLT,
Judge Advocate General.

WAR DEPARTMENT, BUREAU OF MILITARY JUSTICE,
June 8, 1866.

SIR : Your application for remission of sentence, forwarded by General Hill, to the Adjutant General, April 8, has been duly considered by the President, in connection with the record of your trial, and I am instructed to inform you that it has been decided not to extend executive clemency to your case.

Very respectfully, your obedient servant,

J. HOLT,
Judge Advocate General.

G. ST. LEGER GRENFEL,
Fort Jefferson, Florida.

WAR DEPARTMENT, BUREAU OF MILITARY JUSTICE,
July 9, 1866.

The within letter from Hon. S. Hooper, M. C., enclosing abstract of application from Mr. Freshfield, solicitor of Bank of England, in behalf of Colonel G. St. Leger Grenfel, an Englishman, now a prisoner for life at the Dry Tortugas, is respectfully returned.

Mr. Freshfield asks for Grenfel's release on condition that he return at once to England.

It is manifest from the within abstract that Mr. Freshfield is not familiar with the facts established at the trial of the prisoner Grenfel, and Mr. Hooper, in his accompanying letter, admits a similar lack of information concerning the merits of the case.

The record of Colonel Grenfel's trial was subjected to a very careful examination by this bureau, in June, 1865, and the conclusion reached that his conviction under the charges alleged was fully justified.

The opinion then arrived at and submitted to the President, and since frequently reiterated on applications similar to the present, is still adhered to.

No facts on consideration are presented in the within papers which can in any way modify that opinion.

It remains for the President to determine whether Grenfel shall receive the executive clemency which has been so many times prayed for in his behalf. This bureau is aware of no grounds for favorable action, and therefore makes no recommendation.

J. HOLT,
Judge Advocate General.

BUREAU OF MILITARY JUSTICE,

September 21, 1866.

Respectfully returned to the Secretary of War, with a copy of the original report of this bureau, dated June 29, 1865, upon the record in the case of the within named Grenfel.

This case has been the subject of seven reports by this bureau, and it is deemed unnecessary again to reiterate at length the views heretofore expressed, especially as this application suggests no ground for clemency, except the duration of the imprisonment which, it is incorrectly asserted, "the prisoner has already suffered alone of all his partners and comrades for nearly three years;" when, in fact, the commission which tried the prisoner commenced its sessions only in January, 1865.

Whether the confinement undergone is a sufficient expiation of a crime which the court regarded as worthy of death, and for which the capital penalty was only commuted to imprisonment for life, in view of the changed condition of public affairs, is for the President to determine.

This bureau cannot recommend any mitigation of the sentence.

J. HOLT,

Judge Advocate General.

WAR DEPARTMENT, BUREAU OF MILITARY JUSTICE,

September 11, 1866.

Respectfully returned to the Secretary of War.

In a report dated January 3, 1866, this bureau reported respecting a similar application for the amelioration of the prison fare of Grenfel, as follows:

"No reason is perceived for making Grenfel's case an exceptional one. Like other convicts he is fed and clothed by the government, and it is due to the interests of public justice, and to an impartial administration of prison discipline, that, both in regard to food and clothing, as in regard to his confinement, he should be held strictly to the status assigned him by his commuted sentence. As this view, and nothing more than this, is doubtless enforced by the prison authorities, it is not recommended that any action be taken on this application."

The view so expressed is adhered to.

In regard to the specific request within contained for permission to furnish the prisoner with money, books, and tobacco, it is to be remarked that this office is without information concerning the present restrictions of discipline in that behalf established by the government, alike for the security and the proper comfort of convicts, and cannot, therefore, undertake to advise whether they should be enforced in this case; but it is presumed that they have been adopted upon due consideration, and are such as may be uniform in application.

If further information is desired for the purpose of deciding what action shall be taken by the government, it is suggested that a reference be made to the military commander at Fort Jefferson for a report.

J. HOLT,

Judge Advocate General.

EXECUTIVE MANSION,

Washington, D. C., July 22, 1865.

The proceedings and findings in the case of G. St. Leger Grenfel are hereby approved; but in consideration of the recommendation of members of the court, and of the successful progress of the government in suppressing the rebellion,

and in accordance with the suggestion of the Judge Advocate General, the sentence is hereby commuted to imprisonment for life, at hard labor, at the Dry Tortugas, or at such other place as the Secretary of War may designate.

ANDREW JOHNSON,

President of the United States.

Referred to the Adjutant General to execute the President's order. The Dry Tortugas designated.

EDWIN M. STANTON,

Secretary of War.

AUGUST 19, 1865.

[General Court-martial Orders No. 452.]

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,

Washington, August 22, 1865.

I. Before a military commission which convened at Cincinnati, Ohio, January 11, 1865, pursuant to Special Orders No. 278, dated December 29, 1864; No. 4, dated January 5, 1865, and No. 8, dated January 10, 1865, headquarters northern department, Cincinnati, Ohio, and of which Colonel Charles D. Murray, 89th Indiana volunteers, is president, were arraigned and tried G. St. Leger Grenfel and others, citizens.

Charge 1.—"Conspiring, in violation of the laws of war, to release the rebel prisoners of war confined, by authority of the United States, at Camp Douglas, near Chicago, Illinois."

Specification.—"In this: that they, the said Charles Walsh, Buckner S. Morris, Vincent Marmaduke, R. T. Semmes, Charles Travis Daniel, George E. Cantrill, G. St. Leger Grenfel, and Benjamin M. Anderson, did unlawfully and secretly conspire and agree among themselves, and with one Captain Hines, so-called, alias Dr. Hunter, of the confederate army, and others, in violation of the laws of war, to release the rebel prisoners of war then confined, by authority of the United States, at Camp Douglas, near Chicago, Illinois, numbering between eight and nine thousand persons, by suddenly attacking said camp on or about the evening of the eighth of November, anno Domini eighteen hundred and sixty-four, with a large number of armed men, overpowering the guard and forces then and there stationed and on duty, seizing the cannon and arms in the possession of said guard and forces for the purpose of guarding and defending said camp, forcibly opening the gates of said prison camp and removing all obstructions to the successful escape of said prisoners confined within its limits. This at or near Chicago, in the State of Illinois, within the military lines and the theatre of military operations of the army of the United States, at a period of war and armed rebellion against the authority of the United States, and on or about the first day of November, anno Domini eighteen hundred and sixty-four.

Charge 2.—"Conspiring, in violation of the laws of war, to lay waste and destroy the city of Chicago, Illinois.

Specification.—"In this: that they, the said Charles Walsh, Buckner S. Morris, Vincent Marmaduke, R. T. Semmes, Charles Travis Daniel, George E. Cantrill, G. St. Leger Grenfel, and Benjamin M. Anderson, did unlawfully and secretly conspire and agree among themselves, and with one Captain Hines, so-called, alias Dr. Hunter, of the confederate army, and others, in violation of the laws of war, to lay waste and destroy, on or about the evening of the eighth of November, anno Domini eighteen hundred and sixty-four, the city of Chicago, Illinois, by capturing the arsenal in said city, cutting the telegraph wires, burning the railroad depot, taking forcible possession of the banks and public buildings, and leaving the city to be sacked, pillaged, and burned by the rebel prisoners

of war confined at Camp Douglas, near Chicago, Illinois, which prisoners were to be forcibly released by them on or about the date above mentioned. This at or near Chicago, in the State of Illinois, within the military lines and the theatre of military operations of the army of the United States, at a period of war and armed rebellion against the authority of the United States, and on or about the first day of November, anno Domini eighteen hundred and sixty-four "

To which said charges and specifications the accused, G. St. Leger Grenfel, citizen, pleaded "not guilty."

Finding.

The commission, having maturely considered the evidence adduced, finds the accused, G. St. Leger Grenfel, citizen, as follows :

CHARGE I.

Of the specification, "guilty."

Of the charge, "guilty."

CHARGE II.

Of the specification, "guilty."

Of the charge, "guilty."

Sentence.

And the commission does therefore sentence him, G. St. Leger Grenfel, citizen, "To be hung by the neck until he is dead, at such time and place as the commanding general may direct ; two-thirds of the members concurring therein."

II. The proceedings of the commission in the above case were forwarded by the reviewing officer, Major General Joseph Hooker, for the action of the President of the United States. The following are his orders :

EXECUTIVE MANSION, July 22, 1865.

The proceedings and findings in the case of G. St. Leger Grenfel are hereby approved ; but in consideration of the recommendation of members of the court, and of the successful progress of the government in suppressing the rebellion, and in accordance with the suggestion of the Judge Advocate General, the sentence is hereby commuted to "imprisonment for life, at hard labor, at the Dry Tortugas, or such other place as the Secretary of War may designate."

ANDREW JOHNSON, *President.*

III. Major General E. O. O. Ord, United States volunteers, commanding department of the Ohio, is ordered to send the prisoner G. St. Leger Grenfel, under charge of a commissioned officer, with a sufficient guard, to the Dry Tortugas, Florida, designated as the place of imprisonment, where he will be delivered to the commanding officer of the post, who is hereby ordered to confine said Grenfel at hard labor during the period designated in his sentence as commuted.

By order of the Secretary of War :

E. D. TOWNSEND,
Assistant Adjutant General.

Official copy :

E. D. TOWNSEND,
Assistant Adjutant General.

RICHMOND, *October 9, 1866.*

DEAR SIR: I have received yours of the 11th ultimo just this minute, after it has followed me to several places. I at once have sent it to the World, with a note, becoming responsible for the statements, and asking its immediate publication. I am glad to have the means of communicating with you. The time will never come when I can hesitate a moment to aid a comrade, and one who wore the gray and fought under the cross.

You are doubtless aware that, by a decision of the Supreme Court of the United States, convictions like yours, by military commissions, have been held to be illegal.

You are, therefore, entitled to be discharged. I have little doubt, upon proper effort, you could be got out. I should gladly, most gladly, start at once in the matter, but you are doubtless aware that, like yourself, I gave my sword to the confederacy, and left everything behind me. The loss of the cause lost me everything. I am now actually not making a support, though I doubt not I shall do so. This will explain why I do not at once go to Washington to see the authorities, and apply for your release. If that fails, the next step is to apply for a writ of habeas corpus to the United States judge for the district in which Florida is. He is, I believe, Judge Bryan, of Charleston. At any rate, the district judge is the party to grant relief, and he must do so, I should think. I will go to work at the matter at once. If you can refer me to any person who is able to advance a small sum to pay expenses, or help, it will greatly expedite matters.

In the mean time, do not despond. Out of there you shall come! Present me to Dr. Mudd, whose family I knew, and who knows me by reputation. Write me here.

With my warmest sympathies, I am your obedient servant,

BRADLEY JOHNSON.

Official copy of a letter forwarded by commanding officer at Dry Tortugas, and reported as found among papers of G. St. Leger Grenfel.

E. D. TOWNSEND,
Assistant Adjutant General.

A. J. PEELER'S LAW OFFICE,
IN SOUTHWESTERN RAILROAD BANK BUILDING,
Tallahassee, Florida, October 11, 1866.

MY DEAR COLONEL: I am in receipt of your favor of the 29th of September, and have resolved to make your release the "chef-d'oeuvre" of my professional life. I shall do all that can be done as a lawyer, and bring every political influence that I can possibly invoke to assist me in my efforts. I am a member of the Florida legislature, which will convene in a few weeks. I shall introduce a resolution asking your release. I will also be one of the electors for a United States senator, and before voting for any one I shall have their solemn promise, if elected, to use their influence in your behalf at Washington. I will at once consider the question of applying for a writ of habeas corpus. In a few days I will advise you of the course I have concluded to pursue. As to the means required, were I able to advance it, I should not ask for one cent. All I want is enough to pay the necessary cost of any steps I may determine to take. It may be that I will require a copy of the record of your trial from Washington, and it is more than likely that I may ere long go to Key West, in reference to the writ of habeas corpus, and possibly to Washington. I will try to get permission to see you. The governor of this State will assist me in any way in the world. Send me an order for \$500, and any part of it that I do not spend

I will return to you. When I succeed in having you released it will be time enough to talk about a fee. I was a prisoner myself at Johnson's island for nearly two years, and I know what it is to suffer a long and painful separation within prison walls from friends, &c.; and, besides, you have my deepest and warmest sympathies, not only as your advocate, but as a comrade in arms. God bless you.

Your friend,

A. J. PEELER.

Colonel GEORGE ST. LEGER GRENDEL,
Fort Jefferson, Tortugas, Florida.

Official copy :

E. D. TOWNSEND,
Assistant Adjutant General

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STEAMER EVENING STAR.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

IN ANSWER TO

A resolution of the House of the 3d instant, transmitting reports relative to the loss of the steamer Evening Star.

JANUARY 22, 1867.—Referred to the Committee on Commerce and ordered to be printed.

TREASURY DEPARTMENT,
January 22, 1867.

SIR: I have the honor to acknowledge receipt of House resolution of the 3d instant, directing me to communicate to the House the result of the investigation into the causes of the loss of the steamer Evening Star, and requesting me to institute an investigation into the causes of the loss of the steamer Commodore, wrecked on Long Island sound, and to transmit the result thereof to the House also, with my opinion as to what additional legislation may be necessary for the further protection of the lives of passengers on vessels propelled by steam.

I have to inform you, in reply, that the report by Captain William M. Mew upon the loss of the steamer Evening Star has already been laid before Congress, having accompanied my annual report.

It has also been printed in pamphlet form, as enclosed herewith, for the benefit and information of owners of steamships.

This report, I have reason to believe, has attracted the attention not only of the owners of steam vessels at home, but in England and on the continent of Europe.

I have the honor also to transmit herewith a copy of the report by Captain Mew on the loss, on the 27th ultimo, of the steamer Commodore on Long Island sound, an investigation undertaken by direction of the House.

The examination into the facts of this case was very carefully made, and though it develops so great disregard of the provisions of law and of the regulations governing this class of vessels, and of the lives of the passengers and crew on board, I regret to remark that it is by no means of an exceptional character, save in the absence of loss of life.

Our merchant marine is believed to abound with incompetent officers, and it is not only necessary to hold them and shipowners to a strict accountability as to the condition and equipment of their vessels and the competency of the crews engaged, but they must be required to consult and adapt their navigation to the ordinary safeguards with which science has provided them, or neglect them at their personal peril.

To this end legislation must be adequate and radical. It must go at once to the causes from which disasters ensue, and remove them. It must place responsibility on the shoulders of men who defy the law and seem to court accident or the destruction of their vessels, known to be aged, worthless, or unseaworthy ere they sailed. Such men, after the occurrence of a calamity in which they have been the principal actors, and which might have been avoided, humanly speaking, had they exercised a wise precaution, become emboldened by the facilities now presented for escaping the consequences of their crime, and hold themselves in readiness to risk the enactment of another.

This must be peremptorily met by stringent provisions of law both against such masters and such owners. Indeed, the reports on the circumstances culminating in the loss of the *Commodore* and the *Evening Star* demonstrate fully the necessity for speedy and just legislation at the hands of Congress to guard against future calamity and provide, before the danger is incurred, for the safety of passengers travelling in American ships.

I have the honor to be, very respectfully,

H. McCULLOCH,
Secretary of the Treasury.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES,
Washington, D. C.

TREASURY DEPARTMENT, *November 8, 1866.*

SIR: By virtue of the instructions contained in your letter of the 5th ultimo, I now have the honor to report the result of the examinations (referred to in my report of general operations already before you) relative to the loss of the steamship *Evening Star*, on the 3d ultimo, off the coast of Florida.

It may be proper for me to state here that the object I had in view when making the inquiry was not so much to determine the degree of culpability which should attach to the owners of the *Evening Star*, should the examination prove the correctness of the common report and universal belief that the ship had been sent to sea in an unseaworthy condition, as to decide a question which more immediately concerns this office, to wit: whether or not the inspectors in New York had given a certificate of seaworthiness to a ship unsound in hull, engines, or boilers, and had thus rendered themselves directly responsible for the loss of some two hundred and fifty lives?

In order to satisfactorily determine this, it was obviously necessary to examine into the general history of the ship, an important point in which would be to ascertain the way in which she was built. It appears from the testimony of J. A. Raynor, esq., the ex-superintendent of the New York Mail Steamship Company, to which the *Evening Star* belonged, and who held that office at the time the *Evening Star* was built, as well as from that of Isaac L. Waterbury, esq., her builder, that her keel was laid in 1862, and the ship launched in 1863, under contract with Messrs. Rosevelt, Joyce & Waterbury. She was built under the immediate supervision of Mr. Raynor, and the specifications called for a first-class ship in every particular.

It should be known that Mr. Waterbury built, as a sub-contractor, the well-known steamships *Marion*, *Pacific*, *Baltic*, and *Pioneer*. He also constructed the other ships of the New York Mail Steamship line, besides numerous large sailing ships, during his twenty-eight years' experience as a ship-builder; and it may be interesting to you to know, in this connection, that Mr. Waterbury stated under oath that the *Evening Star* was as strong a ship as any he ever built of her dimensions.

The value of the hull of the *Evening Star* was about \$100,000, and her

dimensions were as follows: 275 feet keel, 39 feet 4 inches breadth of hull, 23 feet 3 inches in depth, and length over all 288 feet. Her tonnage, by builders' measurement, was about 2,200 tons. She would draw, light, about 13 feet mean draught—about 13 feet 9 inches aft, and about 12 feet 6 inches forward. Her frame was composed of live-oak, white oak, and hackmatack, and was filled in solid at the floor for about 200 feet, as high as the turn of the bilge. The frames were, from centre to centre, 30 inches asunder, and above the floor heads were sided 9 inches, and were double; her floor timbers were sided from 12 to 15 inches, and moulded at the centre 16 inches, and moulded at the main plank sheer 6 inches, with straight diminish. The stanchions of rail were of locust, extending downward to half the length of the top timber. Her main keelsons were 32 by 16 inches, and were made of white oak, scarfed together with 8 feet hooked scarfs. The first tier of keelsons were fastened with $1\frac{1}{2}$ -inch copper bolts, extending through the floor timbers and keel, and clinched on the under side. The upper course was fastened with $1\frac{1}{4}$ -inch iron bolts, square-fastened, extending downward into the keel and stopping short 2 inches of the bottom. The dimensions of her keel were 15 by 16 inches, and was of white oak. The side keelsons were of white oak, also 15 by 16 inches, extending the whole length of the ship. The bilge streaks were 6 in number, on each side 9 by 12 inches, square-fastened, by 1-inch iron bolts, and edge bolted every 4 feet. Her ceiling, from thence to the lower deck, including the clamps, was 7 inches in thickness, and was square-fastened with $1\frac{1}{8}$ -inch iron. Lower deck beams were of yellow pine, placed 6 feet from centre to centre, excepting in the wake of the engine, and were sided from 14 to 16 inches, and moulded 9 inches at the ends and 15 inches in the centre, secured at the ends and to the side of the ship by lodging and bosom knees sided 7 inches; hanging knees under every beam, sided 9 and 10 inches; the moulding size of lodging and bosom knees was 17 inches; hanging knees, moulded through the throat, 20 inches, and fastened with 16 1-inch iron bolts driven from the outside of the ship's frame, and clinched on the knee. The lower deck waterways were in three streaks, inner tier of white pine, 14 inches square. The beam tier was of oak, 12 by 9 inches, and jogged over the beams 1 inch. The top tier of waterways was of oak, 9 by 14 inches square, fastened by two bolts driven from the inner and two from the outer side of the ship; the bolts varying from 1 to $\frac{7}{8}$ inch in diameter, and edge-bolted with 1-inch iron at about every 4 feet. The upper deck clamps were 6 inches in thickness by 12 inches in width, three streaks in all, and scarfed with 6-foot scarfs. The ceiling between the clamps and waterway was of the same thickness as the clamps. The upper deck beams were of yellow pine, sided 12 and 13 inches, moulded at the ends 7 inches, and in the centre 13 inches. The lodging and bosom knees were sided 6 inches, and moulded 16 inches. Hanging knees were sided 8 and 9 inches, and bolted with $\frac{7}{8}$ and 1-inch iron bolts. The upper deck waterway was 13 inches wide by 14 inches high, and made of white pine, jogged over the beams. The planking (outside) was of white oak, 5 inches thick at the wales, the same being 14 in number, and each 7 inches wide. The garboard streak was 7 inches thick by 16 inches wide, bolted edgeways through the keel and upward through the floor timbers. The average thickness of the outside planking between the wales and garboard streak was about $4\frac{1}{2}$ inches. The vessel was diagonally strapped with iron 4 by $\frac{5}{8}$ inches, $4\frac{1}{2}$ feet apart, and at an angle of about 45° , secured at the head by a longitudinal strap of iron, 5 by $\frac{3}{4}$ inches, extending around the ship and terminating on each side at the stern, let in flush with the outer part of the frame, driven through the clamps and clinched; the diagonal straps were all bolted through the frame and clinched on the ceiling, one course being let into the frame, and the other into the planking.

From this it will be seen that the ship was thoroughly well built, and that so much of current report to the contrary is manifestly erroneous.

The engines were of the kind known as beam engines, with 80 inch cylinder, 12-foot stroke, and well proportioned. The engines were built in 1854 by Cunningham & Belknap, for the New York and Erie railroad, and intended for lake navigation. Although somewhat old, the evidence of Erastus W. Smith, ex-superintendent engineer of the company, and that of other engineers of eminence, proves that they were of sufficient capacity and power for the ship; and, as the sequel will show, in neither the engines nor boilers was any defect discovered nor damage observed until the breaking of the steam-pipe, about two and a half hours before the sinking of the ship, the boilers, which were of the tubular return form, remaining uninjured until the end.

The ship was square rigged forward, and fore-and-aft rigged on her main-mast. All her spars, sails, and rigging were new and in excellent condition. She was not provided, however, with any spare spars or sails.

The ship's company was composed of captain, first and second officers, boat-swain, and ten seamen. The engine department was composed of one chief engineer, two assistants, three water-tenders, six firemen, and eight coal-passers.

She was provided with all the life-boats required by law, six in number, besides one wooden 20-foot boat additional.

It occurred to me that she may have been injured at some time by getting ashore or by straining in a heavy sea-way when loaded deeply, and that, not being properly repaired, the disaster might have been in a measure attributable to weakness in her hull.

On making inquiry I found that she had, in May last, got on Pickle reef, Florida. The former captain of the ship was then subpoenaed to give evidence on this point. The facts elicited by an examination of this gentleman and the chief engineer and purser show that she went on the reef on the 31st of May, 1866, when outward bound; that she remained on it over fifty hours; that the weather at the time was moderate, with a slight southeasterly swell; that she lay very easy while on the reef, being light; that she continued her voyage to New Orleans without further accident, and experienced no difficulty by reason of her going ashore on the reef; that she made another trip after that accident, in which she encountered a heavy gale of wind from the north in the Gulf of Mexico, and behaved well in it; that she made no more water after going on the reef than before, which was evidence that she had not been seriously damaged while ashore. It was, however, thought best to give her an overhauling, and she was put upon the ways on the 13th of July, when it was discovered that her garboard was very slightly scratched, and her keel split in places extending from about midships to thirty feet aft, but it was not started in any way in the seams. This portion of her keel was removed and a new piece put on, and secured by 6-foot scarfs and fastened into the inner keelsons through with three hundred and thirty pounds of copper bolts one and one-eighth inch in diameter. She was then thoroughly caulked and payed with pitch and composition.

Before leaving the ways she was examined to ascertain whether there was any evidence of damage by the opening of the butts in water-ways, plank-shear, or clamps. She was, also, completely overhauled by the local inspectors in New York, and it was found that she was in as good condition as ever.

After this she was put under command of Captain Knapp, a gentleman of acknowledged ability and much experience afloat, under whose care she made successful voyages up to the time of the disaster to her on the 3d October.

It appears that both after she got off the reef in May and left the ways in August she had encountered some severe weather, in which, according to the evidence, the vessel behaved admirably, and was considered to be as good as when first launched in every respect. Indeed, the evidence seems to be conclusive on this point, and the testimony proves that up to the time of her sailing for the last time from New York she was a good, serviceable, seaworthy vessel.

She sailed on her last voyage on the 20th of September last, with a general cargo, and drawing sixteen feet of water mean draught; and from the time the vessel left Sandy Hook until Tuesday, the 2d of October, at two o'clock p. m., about thirty hours after passing Cape Hatteras, nothing of any importance occurred, the weather being fine, with easterly winds and swell prevailing, the ship's course being about south-southwest, with all sail set, and making eleven knots. At about 3 p. m. on that day the wind began to freshen from the east, the barometer falling from 29.30 to 28.80, and at 5 p. m. it blew a whole gale. Meanwhile, in the second officer's watch, all the canvas had been taken off her, and the ship hauled head to sea, heading south-southeast, the vessel laboring heavily, but shipping no water save on one occasion, when she shipped a sea over her top-gallant forecastle, which did no damage, however. Up to 7.30 p. m. the ship made, to borrow the language of the second officer, "splendid weather," and averaging from four to five knots. The wind was blowing about east by north, and continually increasing and hauling gradually round towards east-northeast; and still later, or rather early next a. m., until the ship went down, it was gradually backing round to the northward. So long as she was kept up she headed about southeast, head to sea.

It appears that about 10 p. m. on the 2d she was struck by a very heavy sea on her port quarter, knocking one of the seamen over the quadrant, breaking his arm, and causing the rudder-chain to slip out of the groove. The ship immediately fell off into the trough of the sea, and commenced shipping very heavy water over midships. Much time seems to have been consumed in securing the rudder, which, after an hour had elapsed, was finally secured to windward, the helm hard down. This, however, failed to bring her up by reason of the heavy sea which was then running. The engines, meanwhile, were in good condition, and making three or four revolutions per minute. No attempt was made to get the ship's head to windward, at this or any subsequent time, either by means of a drag or otherwise. The heavy seas were by no means idle while the ship lay in its trough, but made a complete breach over her. She seems from this time to have been abandoned so far as any attempt to help her head to or before the wind is concerned, and it is difficult to account for the fact that none of the expedients known to seamen for helping a ship up to the wind were even tried. Notwithstanding the violent lee lurches which the ship made while in this condition, no evidence of leak through the ship's hull appeared, and up to as late as 10.30 p. m. not more than sixteen inches of water were reported in the vessel's hold, the bilge injection keeping her free and frequently sucking; but she had not been laboring long in the trough of the sea before its violence began to tell upon her upper works, and before 11 o'clock the forward gangway on the starboard side of the ship had been stove in, and the water came pouring through in immense volumes.

At this juncture all of the ship's company who could be spared, and such of the passengers as could stand upon deck, under the lead of the purser and boatswain, did their utmost, with the means at their disposal, to stop the breach in the ship's side. Pantry-room, bulkheads, doors, mattresses, and every available article were brought into requisition, but to no purpose, and their efforts to prevent the ingress of the sea were finally abandoned as futile, in order that their energies might be directed to bailing as the only effectual means left to keep the water under. Here is a painful evidence of the necessity for every sea-going ship being provided with a competent ship's carpenter, and furnished with the proper stores of timber, lumber, &c.; for it is more than probable that, had the *Evening Star* been so equipped, a bulkhead of sufficient strength might have been erected to keep out the sea. Those who have had experience in such matters know thereby the value of such an adjunct to a ship's complement as a carpenter and crew. Their efforts, directed by skill and experience, could ac-

comply more in thirty minutes in an emergency than those indefatigable but unskilled gentlemen could, had they battled with the storm as many hours.

Opposite the port through which the sea was making was a door leading to the engine-room, and also a ventilator, and the sea had uncontrollable access to the engine-room, into which it rushed in great quantities. Much of the water found its way below over the house combings, through the openings in the deck, and panels of the deck-houses, which had been broken by the sea. All hands were at this time (about 2 a. m. of the 3d) bailing ship, a strong force being at work in the engine-room and below endeavoring to keep its fires clear. In this they succeeded for a considerable time, but owing to the excessive rolling of the ship, increased no doubt by the weight of water in the ship and the shifting of the cargo, their efforts were destined to be unavailing. At about three o'clock the steam-pipe gave way, but the engines were kept working by the engineer for two hours after, and, indeed, until the fires were put out, about five a. m. This break of the steam-pipe was caused by the straining of the ship. The ship was provided with a donkey engine and boiler, but these unfortunately gave out at the same time that the steam-pipe broke. But the leak in the pipe increased to such an extent that the men were unable to go into the fire-room, save at intervals. In consequence of this accident the quantity of steam was necessarily diminished, but the loss of the ship can in no wise be attributed to this circumstance, for she was certainly a doomed vessel before this occurred. The energy and perseverance of the engineer were most praiseworthy. He was at his post endeavoring to keep the machinery in motion with the bar and hand-gear until the engines stopped altogether. By this time the ship was given up for lost, and preparations were made to leave the ship, as she was discovered to be settling. Then followed the indescribably heart-rending scene which has so harrowed the public mind and demanded a thorough, impartial inquiry. At about 6 a. m. the vessel sank, taking down with her at once over two hundred victims.

No satisfactory evidence was adduced by which it could be determined whether or not all the boats of the ship were properly equipped, agreeably to an order given by the captain to that effect. It is certain, however, that none were found, by those who were saved, provided with anything in the shape of food or spars; but inasmuch as one or two of them were capsized, it is possible that if they had been provisioned, their stores had been washed out of them. It is also certain that while she had all the boats which the law requires, seven in all, she had not half enough to save the number of persons on board; nor were the boats fitted with the detaching apparatus required by law, which had they been, and the boats properly manned and promptly launched, it is my firm belief that at least one-half of the lives might have been saved.

From the foregoing, which is little more than a digest of the testimony taken, I conceive it possible to arrive at a reasonable conclusion as to the cause or combination of causes which resulted in the loss of the *Evening Star*, and it occurs to me that the principal cause was an error of judgment on the part of the captain. It will be seen that until 2 p. m. of the 2d, when the ship was about abreast of Tybee island on the eastern edge of the Gulf Stream, nothing of any moment transpired. About this time, however, the barometer began to fall, and in a short time fell from 29.30 to 28.8. The wind, which had been blowing steadily from about east or east by south, began to freshen, and everything gave evidence of an approaching storm of unusual severity. The ship, however, was kept on her course, and, as may have been expected from the proximity to the edge of the stream, where the current runs at $2\frac{1}{2}$ to 3 knots per hour, she soon encountered a very heavy swell from east-southeast at 7 o'clock in the evening. The wind then blowing a hard gale and gradually veering to northeast, it was deemed necessary to haul her head to sea, in which position she continued laboring terribly, until she fell off into the trough of the sea. It will be seen that from

the first hour the settled course of the storm was northward, showing, under the law of storms, that the ship was on the northwest side of the gale; and it is believed that had the ship been headed west early in the afternoon of Tuesday, the vessel might have been saved by escaping the full fury of the tempest and running into a moderate gale on the other side of the Gulf Stream. This it is believed would have been the part of wisdom, if acted upon in season.

But it is likewise certain that to attempt to run his ship after the gale had culminated in the hurricane would have been a hazardous experiment, and his only chance for safety would have been to keep his ship's head to sea, (or head to wind,) which it is believed might have been done by means of a drag, assisted by a little show of canvas on her mainmast. Nothing of the sort was even attempted, and from the time she fell off into the trough of the sea no effort seems to have been made to haul her up, after the rudder was secured; and the only means of safety, in the judgment of the captain, seems to have been in keeping the ship free of the water which she shipped, by bailing, &c., in the hope that the storm might abate. It is a wonder that the vessel lived so long under these circumstances.

I have already adverted to the need of a good ship's carpenter which was experienced on the trying occasion, and I confess to the belief in the possibility of saving the vessel, she being so staunch in her hull, had there been a carpenter on board, properly supplied with stores, &c.; for the ultimate cause of her going down was the shipping such immense quantities of water through the breaches in her upper works on the starboard side.

Whether Captain Knapp would have been led to adopt expedients for getting the ship's head to wind or sea had he had a larger crew it is impossible to say, but taking into consideration his long experience at sea and his reputation as a seaman, it is difficult to account for the fact of his not having done so, excepting on the ground of the evident inutility of any such attempts with so weak a crew; indeed, with the few seamen at his disposal in such a gale, he must have felt himself comparatively helpless.

It gives me much satisfaction in being able to state that I am thoroughly convinced that the inspectors in New York, who are sound practical men, discharged their whole duty in the inspection of the Evening Star in August last.

The loss of this ship is not without its appropriate lesson to ship-owners; and, in the absence of any laws affecting the subject, I sincerely trust their attention will be directed to the necessity which exists for the more complete manning, equipping, and furnishing the American merchant marine generally, to the end that the same may be elevated to that point of pre-eminence above that of all other nations to which it is invited by the unequalled resources of the country. A degree of positive security of life at sea, inasmuch that the probability or possibility of the loss of life in ordinary voyages may be reduced to a minimum, is possible of attainment, and that without much outlay; and while some of the larger companies furnish exceptions, by the care shown in the equipment of their ships, to the necessity for legislation upon this subject, it is none the less certain that the enactment of stringent laws governing our merchant marine is an absolute necessity. I therefore beg respectfully to call your attention to this matter, in the hope that radical changes in the existing laws may be suggested to Congress.

I am greatly indebted for the assistance rendered in this examination, in the engine department, to Mr. W. Burnett, of the California district, who, being in the neighborhood, was solicited to assist in the examination, with special reference to the engines and boilers of the ship, in order that a full and impartial inquiry into this important branch of the subject should be made by a disinterested expert, in preference to the inspector of machinery in New York, who, if guilty of dereliction in duty, would not be likely to criminate himself. He is an engi-

neer of scientific attainments and much practical experience. His services were therefore invaluable, and his inquiries critical and complete.

I have the honor to enclose herewith the testimony taken, together with a list of the witnesses examined, and to remain,

Very respectfully, your obedient servant,

W. M. MEW.

Hon. HUGH McCULLOCH,

Secretary of the Treasury.

I certify that I was present and assisted in the investigation into the cause of the loss of the Evening Star, and fully concur in the foregoing report.

WM. BRADFORD,

Supervising Inspector of Steamboats for the Second District.

TREASURY DEPARTMENT,

January 21, 1867.

SIR: I have the honor to state that, in accordance with the instructions contained in your letter of the 3d instant, an examination into the cause of the loss of the steamer Commodore, in Long Island sound, on the 27th ultimo, has been made, and the evidence being before me, I am enabled to give you what I believe to be an accurate statement of all the facts in the case. They were collected by Captain William Bradford, supervising inspector in New York city, an accomplished seaman and officer.

The steamer Commodore was built in 1848, and was therefore more than eighteen years old at the time she was lost. She was built principally for navigating the waters of the sound, but for some years past has been considered weak and unsuited to winter navigation.

She was 275 feet in length, 32 feet in breadth, moulded, and 11 feet deep, 1,117 tons register, and drew 6 feet of water when light.

In October last, by reason of her ascertained unseaworthiness, the vessel was condemned by the supervising inspector above named. Much of her timber-work planking was found to be rotten, which, added to her age, rendered her at once unsound and unsafe; whereupon she was docked and subjected to an overhauling and repairing at a cost of \$10,000. This it was believed rendered her sufficiently strong for summer navigation; but even then she was regarded by Captain Bradford as ill adapted to withstand the severe weather of the winter season. It seems that to the extent above indicated she was deemed fit for service upon the sound; and upon certain conditions the local inspectors at New London seem to have determined to grant a certificate as soon as she was properly equipped according to law. This duty, however, the owners failed to perform, and the necessary certificate was therefore properly withheld; and at the time of her last sailing she was taken to sea, in violation both of law and regulations, in an unseaworthy condition.

Had she received a certificate of seaworthiness from the local inspectors, they would have committed a very grave error, unless the vessel was in every respect sound, and fit at any time for Sound navigation, for the law does not contemplate the issuing of conditional certificates of seaworthiness.

It appears that she left the wharf at 4.10 p. m. on the 27th December and proceeded on her voyage; that at the time of her leaving there was a lull, but previous to that it had been blowing heavily from west to west-northwest during the entire day, attended with snow squalls. The weather appeared clearer at the time of departure, and the captain, without consulting his barometer, was induced by the apparent favorable change in the weather to put to

sea. At eight o'clock that evening, however, the breeze freshened from west-northwest and soon increased to a violent gale, with a heavy sea, and with flood tide making against the wind, it became still rougher. At 10.30 the vessel, heading east $\frac{1}{2}$ north (the wind nearly aft) and steering wildly, broached to and was immediately thrown upon her beam ends, and in this condition she was driven by the wind across the sound, and was brought to an anchor, with two anchors down, near Horton's Point, (on Long Island,) when she soon righted. It was here discovered that she was leaking so badly that it was necessary to slip her cables and beach her in order to save the lives of her passengers. This was fortunately accomplished without a casualty or the loss of a single life. The cause of the leak seems to have been the severe straining which her timbers and planking experienced when she broached to, and while being driven across the sound on her beam ends, and not, as has been stated, by her taking the ground, for it was when she had righted at her anchors, her butts and seams, which had been sprung, being then brought under water, that the leak was discovered.

It is very clear from the testimony that the Commodore was totally unfit for the service in which she was engaged, as well by reason of her age as by her light draught of water, for to this, added to the effect of her top hamper, may in a great measure be attributed the fact of her broaching to; with the wind W. by N. to N. NW. and her course E. $\frac{1}{2}$ N., she must have been yawing considerably to bring the wind upon her starboard quarter sufficiently to broach her to. Her light draught was, in a great degree, the cause of her steering so wildly, for the rudder not being thereby sufficiently immersed, and being frequently out of the water, could not perform its office, and the vessel was therefore, in a measure, at times uncontrollable.

The crew seem to have been inadequate to the emergency, for some of them were totally unacquainted with the management of boats. It is a wonder, therefore, that no lives were lost in landing. Not a little of blame pertains to the captain of the steamer for taking her to sea, knowing the character of his vessel, as he must have done, on such a day; and had he consulted and relied on his barometer he certainly would not have ventured out. I have been at some pains to ascertain the state of the barometers at different localities at the time, and from all the information that I can gather they indicated severe weather, they being, earlier in the day, at an average of about 29.10; and at night as low as 28.8, an infallible indication of violent weather in these latitudes.

The captain unfortunately placed no reliance in barometers "on the sound." It is the belief of many eminent seamen, among whom may be mentioned Admiral Fitzroy, that many ships are wrecked and lives lost by a disregard of the premonitions of this useful instrument.

From the facts above recited, gathered from the testimony of reliable witnesses, there can be no doubt that the Commodore was lost by reason of her manifest unfitness to withstand a gale of any severity in the waters which she was employed in navigating, arising partly from her age and consequent weakness, partly from her light draught of water, and partly from the indiscretion of her captain, first, in taking her to sea, and then, when at sea, in not making a harbor. She was also lacking in equipments, and therefore unseaworthy, and being navigated without a certificate, her owners are liable to penalties for a violation of law.

The loss of this vessel affords another comment on the necessity for additional and effective legislation. The law as it now stands is totally inadequate to an enforcement of the moral obligations of owners and others towards those who place their lives in their hands.

Happily there are exceptions to this necessity; for there are many honorable and high-minded owners of vessels whose constant desire is to obey the law in all its provisions, and provide their passengers and crews with adequate protec-

tion to the best of their ability, and regardless of expense. But on the other hand there is a class of owners, far too numerous for the public welfare, who can be reached alone by the most stringent enactments, and made to fear the consequence of defying the laws and regulations by the certainty of a swift and appropriate penalty, and such enactments must be made as soon as practicable, and such rigorous enforcement thereof prevail, embracing in their scope every obligation which a ship-owner owes to the people whom he serves, including the equipment of vessels and the official certificate of perfect seaworthiness, with a punishment for reckless offenders, inaccessible to higher motives, which shall be severe enough to deter them from perilling human life and property.

Very respectfully, your obedient servant,

W. M. MEW.

Hon. HUGH McCULLOCH,
Secretary of the Treasury.

PURCHASE OF GOVERNMENT SECURITIES.

LETTER

FROM THE

SECRETARY OF THE TREASURY,

IN ANSWER TO

A resolution of the 16th instant, transmitting a statement of information required by act approved April 12, 1861.

JANUARY 22, 1867.—Referred to the Committee of Ways and Means and ordered to be printed.

TREASURY DEPARTMENT, *January 21, 1867.*

SIR: I have the honor to transmit herewith a statement, in answer to resolution of the House of Representatives of January 16, 1867, introduced by Hon. Mr. Allison, asking for information required by the provisions of section 2, of chapter 39, of the act of the first session of the 39th Congress, approved April 12, 1866.

The delay in transmitting the statement has been occasioned by clerical reasons.

I am, very respectfully,

H. McCULLOCH,
Secretary of the Treasury.

Hon. SCHUYLER COLFAX,
Speaker of the House of Representatives.

The total issue of 5-20 bonds under act of March 3, 1865,	
was, on the first day of January, 1867	\$266, 665, 350 00
Of which amount there had been issued in	
conversions, viz :	
Of compound interest notes	\$53, 778, 750 00
Of 5 per cent. notes	620, 700 00
Of 7 ¹ / ₁₀ treasury notes	108, 255, 400 00
Of certificates of indebtedness	257, 000 00
	<hr/>
	162, 911, 850 00

Leaving to be accounted for as sales

103, 753, 500 00

which were made upon the terms indicated in the schedule accompanying, marked A.

PURCHASE OF GOVERNMENT SECURITIES.

The avails of said bonds have been used in the purchase of 7 $\frac{3}{16}$ notes to the amount of \$41,212,250 principal, upon the terms indicated in the schedule accompanying, marked B, and the balance in retiring compound interest notes, certificates of indebtedness, and temporary loan.

The commissions paid on account of sales of bonds amount to \$88,872 75, as per schedule accompanying, marked C.

The commissions paid on account of purchase of 7 $\frac{3}{16}$ notes amount to \$13,010 56, as per schedule accompanying, marked D.

A.—Sales of 5-20 bonds, act of March 3, 1865.

To whom sold.	Amount.	Rate.	Premium.	Total.
Jay Cooke & Co.....	\$125,000	4 $\frac{1}{2}$	\$5,625 00	\$130,625 00
Do.....	300,000	4 $\frac{1}{2}$	13,875 00	313,875 00
Clark, Dodge & Co.....	150,000	4 $\frac{1}{2}$	8,937 50	156,937 50
Do.....	150,000	4 $\frac{1}{2}$	8,937 50	156,937 50
Humbert Brothers.....	125,000	4 $\frac{1}{2}$	5,781 25	130,781 25
K. Smith & Co.....	4,000	4 $\frac{1}{2}$	185 00	4,185 00
Limbert & Leland.....	5,000	4 $\frac{1}{2}$	231 25	5,231 25
Jay Cooke & Co.....	16,000	4 $\frac{1}{2}$	740 00	16,740 00
Do.....	400,000	4 $\frac{1}{2}$	19,000 00	419,000 00
First National Bank, Washington.....	500,000	4 $\frac{1}{2}$	24,375 00	524,375 00
D. C. & R. H. Fisk.....	100,000	4 $\frac{1}{2}$	4,750 00	104,750 00
Clark, Dodge & Co.....	225,000	4 $\frac{1}{2}$	10,687 50	235,687 50
Humbert Brothers.....	100,000	4 $\frac{1}{2}$	4,750 00	104,750 00
W. Dunham.....	9,500	4 $\frac{1}{2}$	451 25	9,951 25
C. E. Fuller & Co.....	5,000	4 $\frac{1}{2}$	237 50	5,237 50
Jay Cooke & Co.....	60,500	4 $\frac{1}{2}$	2,873 75	63,373 75
N. F. Miller.....	25,000	4 $\frac{1}{2}$	1,218 75	26,218 75
Johnson Brothers & Co.....	23,000	4 $\frac{1}{2}$	1,218 75	26,218 75
Jay Cooke & Co.....	175,000	4 $\frac{1}{2}$	8,312 50	183,312 50
Fisk & Hatch.....	1,000,000	5	50,000 00	1,050,000 00
D. C. & R. H. Fisk.....	100,000	5	5,000 00	105,000 00
Vermilye & Co.....	200,000	5	10,000 00	210,000 00
M. A. McKinley.....	200,000	5	10,000 00	210,000 00
G. M. Maitland.....	50,000	5	2,500 00	52,500 00
Jay Cooke & Co.....	350,000	5	17,500 00	367,500 00
Second National Bank, Mauch Chunk.....	5,000	5	250 00	5,250 00
H. F. Miller.....	30,000	5	1,500 00	31,500 00
Limbert and Leland Brothers.....	60,000	5	3,000 00	63,000 00
Norwood & Lockwood.....	5,000	5	250 00	5,250 00
D. C. & R. H. Fisk.....	25,000	5 $\frac{1}{2}$	1,312 50	26,312 50
Vermilye & Co.....	250,000	5 $\frac{1}{2}$	13,437 50	263,437 50
J. H. Van Antwerp.....	25,000	5 $\frac{1}{2}$	1,312 50	26,312 50
M. A. McKinley.....	100,000	5 $\frac{1}{2}$	5,250 00	105,250 00
National Travellers' Insurance Company.....	50,000	5 $\frac{1}{2}$	2,750 00	52,750 00
Foots & Walker.....	70,000	5 $\frac{1}{2}$	3,850 00	73,850 00
John Watson.....	128,000	5 $\frac{1}{2}$	7,040 00	135,040 00
Jay Cooke & Co.....	75,000	5 $\frac{1}{2}$	4,312 50	79,312 50
Do.....	50,000	5 $\frac{1}{2}$	2,875 00	52,875 00
M. A. McKinley.....	200,000	5 $\frac{1}{2}$	11,000 00	211,000 00
W. T. Hatch & Son.....	100,000	5 $\frac{1}{2}$	5,500 00	105,500 00
Jay Cooke & Co.....	52,000	5 $\frac{1}{2}$	2,860 00	54,860 00
Do.....	75,000	5 $\frac{1}{2}$	4,312 50	79,312 50
Conklin Carl.....	11,000	1 $\frac{1}{2}$	192 50	11,192 50
C. T. Wightman.....	20,000	1 $\frac{1}{2}$	350 00	20,350 00
Importers' and Traders' Bank.....	8,000	1 $\frac{1}{2}$	140 00	8,140 00
A. Jenkins.....	150,000	1 $\frac{1}{2}$	2,625 00	152,625 00
C. A. Putnam & Co.....	25,000	2	500 00	25,500 00
Foots & Walker.....	10,000	2	200 00	10,200 00
James Curphy.....	10,000	2	200 00	10,200 00
W. H. Seward.....	22,000	1 $\frac{1}{2}$	412 50	22,412 50

PURCHASE OF GOVERNMENT SECURITIES.

3

Sales of 5-20 bonds, act of March 3, 1865—Continued.

To whom sold.	Amount.	Rate.	Premium.	Total.
Jay Cooke & Co.....	\$100,000	1½	\$1,875 00	\$101,875 00
A. Frank.....	5,000	2	100 00	5,100 00
National Park Bank.....	200,000	2	4,000 00	204,000 00
Jay Cooke & Co.....	50,000	2½	1,062 50	51,062 50
Drake Brothers.....	10,000	2½	212 50	10,212 50
C. T. Yerkes, jr., & Co.....	25,000	2½	531 25	25,531 25
J. J. Cisco & Son.....	44,000	2	880 00	44,880 00
Davis Brothers.....	50,000	2	1,000 00	51,000 00
Jay Cooke & Co.....	20,000	2	400 00	20,400 00
First National Bank, New York.....	15,000	2	300 00	15,300 00
Edward Sweet & Co.....	15,000	2	300 00	15,300 00
E. S. Clark.....	10,000	2½	212 50	10,312 50
P. M. Myers & Co.....	6,000	2	120 00	6,120 00
Stephen Mann.....	5,000	2½	106 25	5,106 25
Jay Cooke & Co.....	100,000	1½	1,875 00	101,875 00
C. A. Putnam & Co.....	25,000	2	500 00	25,500 00
Drexel & Co.....	25,000	2	500 00	25,500 00
Spencer, Vila & Co.....	25,000	2	500 00	25,500 00
C. C. Dunn.....	40,000	2	800 00	40,800 00
Jay Cooke & Co.....	50,000	2	1,000 00	51,000 00
Smith, Randolph & Co.....	1,000	1½	18 75	1,018 75
Foote & Walker.....	135,000	1½	2,531 25	137,531 25
Birch, Murray & Co.....	15,000	1½	281 25	15,281 25
Thompson & Corning.....	3,000	1½	56 25	3,056 25
C. A. Putnam & Co.....	20,000	1½	375 00	20,375 00
D. C. & R. H. Fisk.....	1,000	1½	18 75	1,018 75
W. H. Howell & Co.....	7,000	1½	131 25	7,131 25
R. H. Thurman.....	10,000	1½	187 50	10,187 50
Turner Brothers.....	2,000	1½	37 50	2,037 50
Ninth National Bank, New York.....	10,000	1½	187 50	10,187 50
Lees & Waller.....	6,500	1½	121 87	6,621 87
Humbert Brothers.....	50,000	1½	937 50	50,937 50
Edward Sweet & Co.....	10,000	1½	187 50	10,187 50
Foote & Walker.....	25,000	1½	468 75	25,468 75
D. C. & R. H. Fisk.....	100,000	1½	1,875 00	101,875 00
Davis Brothers.....	50,000	1½	937 50	50,937 50
Ninth National Bank, New York.....	1,000	1½	18 75	1,018 75
C. A. Putnam & Co.....	30,000	1½	562 50	30,562 50
Smythe & Emerson.....	25,000	1½	468 75	25,468 75
Aldrich, Sharp & Co.....	10,000	1½	187 50	10,187 50
G. W. Smith.....	50,000	1½	937 50	50,937 50
W. T. Hatch & Son.....	35,000	1½	656 25	35,656 25
Mellen, Ward & Co.....	25,000	1½	468 75	25,468 75
Turner Brothers.....	5,000	1½	93 75	5,093 75
Knox County National Bank.....	5,000	1½	93 75	5,093 75
J. T. Brady & Co.....	15,000	1½	281 25	15,281 25
Edward Sweet & Co.....	25,000	2	500 00	25,500 00
Foote & Walker.....	20,000	2	400 00	20,400 00
R. R. Carter, teller.....	15,000	2	300 00	15,300 00
C. E. Fuller & Co.....	10,000	2	200 00	10,200 00
Edward Sweet & Co.....	150,000	2	3,000 00	153,000 00
J. H. Craigmill.....	20,000	1½	375 00	20,375 00
H. T. Morgan.....	27,000	1½	506 25	27,506 25
Cromelin & Tillinghast.....	9,000	1½	168 75	9,168 75
C. A. Howard.....	6,000	1½	112 50	6,112 50
J. Cooke & Co.....	19,000	1½	356 25	19,356 25
Buckley, Dunton & Co.....	12,000	1½	225 00	12,225 00
J. A. Stewart.....	250,000	1½	4,687 50	254,687 50
Jay Cooke & Co.....	50,000	2	1,000 00	51,000 00
J. J. Cisco & Son.....	220,000	1½	4,262 50	224,262 50
Charles Allardice.....	100,000	1½	1,968 75	101,968 75
Mary Stoney.....	5,000	2	100 00	5,100 00
A. Everett.....	5,000	2	100 00	5,100 00

Sales of 5-20 bonds, act of March 3, 1865—Continued.

To whom sold.	Amount.	Rate.	Premium.	Total.
A. A. Craigmill.....	\$10,000	1 $\frac{1}{8}$	\$187 50	\$10,187 50
C. Witner.....	500	1 $\frac{1}{8}$	9 37	509 37
Ocean National Bank.....	25,000	2 $\frac{1}{8}$	562 50	25,562 50
J. J. Cisco & Son.....	50,000	2 $\frac{1}{8}$	1,093 75	51,093 75
Fisk & Hatch.....	250,000	2 $\frac{1}{8}$	5,312 50	255,312 50
Do.....	300,000	2 $\frac{1}{8}$	6,375 00	306,375 00
Jay Cooke & Co.....	100,000	2 $\frac{1}{8}$	2,125 00	102,125 00
Smith, Randolph & Co.....	15,000	2 $\frac{1}{8}$	328 12	15,328 12
Beebe & Toy.....	10,000	2 $\frac{1}{8}$	225 00	10,225 00
Ocean National Bank.....	25,000	2 $\frac{1}{8}$	562 50	25,562 50
Drexel & Co.....	50,000	2 $\frac{1}{8}$	1,125 00	51,125 00
C. A. Putnam & Co.....	50,000	2 $\frac{1}{8}$	1,125 00	51,125 00
South Brooklyn Savings Bank.....	50,000	2 $\frac{1}{8}$	1,125 00	51,125 00
Humbert Brothers.....	50,000	2 $\frac{1}{8}$	1,093 75	51,093 75
Edward Sweet & Co.....	50,000	2 $\frac{1}{8}$	1,109 37	51,109 37
Jay Cooke & Co.....	20,000	2 $\frac{1}{8}$	425 00	20,425 00
First National Bank, Lancaster.....	25,000	2 $\frac{1}{8}$	562 40	25,562 50
Mellen, Ward & Co.....	25,000	2 $\frac{1}{8}$	562 50	25,562 50
Johnston Brothers & Co.....	40,000	2 $\frac{1}{8}$	900 00	40,900 00
W. A. Timpson.....	10,000	2 $\frac{1}{8}$	225 00	10,225 00
Edward Sweet & Co.....	50,000	2 $\frac{1}{8}$	1,093 75	51,093 75
H. W. Ford, Cashier.....	5,000	2 $\frac{1}{8}$	112 50	5,112 50
Hatch & Phelps.....	10,000	2 $\frac{1}{8}$	225 00	10,225 00
A. Jenkins.....	50,000	2 $\frac{1}{8}$	1,109 37	51,109 37
First National Bank, New York.....	35,000	2 $\frac{1}{8}$	776 56	35,776 56
Fisk & Hatch.....	250,000	2 $\frac{1}{8}$	5,312 50	255,312 50
W. T. Hatch & Son.....	100,000	2 $\frac{1}{8}$	2,218 75	102,218 75
C. A. Putnam & Co.....	50,000	2 $\frac{1}{8}$	1,125 00	51,125 00
Mellen, Ward & Co.....	50,000	2 $\frac{1}{8}$	1,125 00	51,125 00
Clark, Dodge & Co.....	150,000	2 $\frac{1}{8}$	3,187 50	153,187 50
Do.....	50,000	2 $\frac{1}{8}$	1,062 50	51,062 50
Jay Cooke & Co.....	400,000	2 $\frac{1}{8}$	8,500 00	408,500 00
Fisk & Hatch.....	250,000	2 $\frac{1}{8}$	5,312 50	255,312 50
A. Jenkins.....	50,000	2 $\frac{1}{8}$	1,062 50	51,062 50
Clarkson & Co.....	3,000	2 $\frac{1}{8}$	63 75	3,063 75
C. A. Putnam & Co.....	50,000	2 $\frac{1}{8}$	1,062 50	51,062 50
Fisk & Hatch.....	200,000	2 $\frac{1}{8}$	4,250 00	204,250 00
Clark, Dodge & Co.....	750,000	2 $\frac{1}{8}$	15,937 50	765,937 50
Central National Bank, Philadelphia.....	100,000	2 $\frac{1}{8}$	2,250 00	102,250 00
W. T. Hatch & Son.....	16,000	2 $\frac{1}{8}$	340 00	16,340 00
Foote & Walker.....	50,000	2 $\frac{1}{8}$	1,062 50	51,062 50
Mellen, Ward & Co.....	25,000	2 $\frac{1}{8}$	531 25	25,531 25
Fisk & Hatch.....	500,000	2 $\frac{1}{8}$	10,625 00	510,625 00
First National Bank, Westfield.....	15,000	2 $\frac{1}{8}$	318 75	15,318 75
Humbert Brothers.....	1,000	2 $\frac{1}{8}$	21 25	1,021 25
Fisk & Hatch.....	450,000	2 $\frac{1}{8}$	9,562 50	459,562 50
G. L. Robbins & Sons.....	50,000	2 $\frac{1}{8}$	1,093 75	51,093 75
Edward Sweet & Co.....	25,000	2 $\frac{1}{8}$	554 69	25,554 69
Mellen, Ward & M.....	25,000	2 $\frac{1}{8}$	262 50	25,562 50
Dater & Timpson.....	10,000	2 $\frac{1}{8}$	212 50	10,212 50
Muller & Brown.....	20,000	2 $\frac{1}{8}$	425 00	20,425 00
Maxwell & Graves.....	25,000	2 $\frac{1}{8}$	531 25	25,531 25
Kean & Davis.....	25,000	2 $\frac{1}{8}$	531 25	25,531 25
Eugene Kelly & Co.....	25,000	2 $\frac{1}{8}$	531 25	25,531 25
Edward Sweet & Co.....	25,000	2 $\frac{1}{8}$	531 25	25,531 25
Edward Lambert.....	1,500	2 $\frac{1}{8}$	31 88	1,531 88
Limbert, Leland & Co.....	500	2 $\frac{1}{8}$	10 62	510 62
W. A. Timpson.....	10,000	2 $\frac{1}{8}$	212 50	10,212 50
Spencer, Vila & Co.....	20,000	2 $\frac{1}{8}$	425 00	20,425 00
Clark, Dodge & Co.....	3,000	2 $\frac{1}{8}$	63 75	3,063 75
Jay Cooke & Co.....	150,000	2 $\frac{1}{8}$	3,187 50	153,187 50
Mott & Justh.....	50,000	2 $\frac{1}{8}$	1,109 37	51,109 37
Jay Cooke & Co.....	200,000	2 $\frac{1}{8}$	4,250 00	204,250 00

Sales of 5-20 bonds, act of March 3, 1865—Continued.

To whom sold.	Amount.	Rate.	Premium.	Total.
Jay Cooke & Co.....	\$100,000	2½	\$2,125 00	\$102,125 00
Do.....	20,000	2½	425 00	20,425 00
Edward Sweet & Co.....	70,000	2½	1,553 13	71,553 13
Baker & K.....	5,000	2½	110 94	5,110 94
Fisk & Hatch.....	350,000	2½	7,437 50	357,437 50
T. L. & C. G. Small.....	10,000	2½	237 50	10,237 50
McKim Brothers.....	10,000	2½	237 50	10,237 50
Jay Cooke & Co.....	50,000	2½	1,125 00	51,125 00
C. A. Putnam & Co.....	25,000	2½	593 75	25,593 75
Footo & Walker.....	50,000	2½	1,187 50	51,187 50
J. T. Desilver.....	10,000	2½	237 50	10,237 50
Trevor & Colgate.....	5,000	2½	118 75	5,118 75
B. Bainard.....	1,000	2½	23 75	1,023 75
D. P. Ely & Co.....	15,000	2½	356 25	15,356 25
H. W. Ford, cashier.....	5,000	2½	118 75	5,118 75
Robinson & Ogden.....	2,000	2½	47 50	2,047 50
R. H. Drummond.....	1,000	2½	23 75	1,023 75
McKim Brothers.....	40,000	2½	950 00	40,950 00
John J. Cisco & Son.....	10,000	2½	225 00	10,225 00
First National Bank, Norwalk.....	5,000	2½	118 75	5,118 75
W. T. Hatch & Son.....	2,000	2½	47 50	2,047 50
G. Forrester.....	2,000	2½	47 50	2,047 50
C. A. Putnam & Co.....	25,000	2½	593 75	25,593 75
Footo & Walker.....	25,000	2½	593 75	25,593 75
Do.....	40,000	2½	900 00	40,900 00
Edward Sweet & Co.....	20,000	2½	450 00	20,450 00
T. L. & C. G. Small.....	20,000	2½	450 00	20,450 00
John Cook.....	5,000	2½	118 75	5,118 75
McKim Brothers.....	18,000	2½	427 50	18,427 50
C. A. Putnam.....	25,000	2½	593 75	25,593 75
C. E. Fuller & Co.....	50,000	2½	1,187 50	51,187 50
Footo & Walker.....	75,000	2½	1,781 25	76,781 25
H. L. Butler.....	10,000	2½	237 50	10,237 50
Underbill & Haven.....	5,000	2½	118 75	5,118 75
M. M. R. Todd.....	14,000	2½	332 50	14,332 50
Ocean National Bank.....	4,000	2½	95 00	4,095 00
Battille Renwick.....	3,000	2½	71 25	3,071 25
C. E. Fuller & Co.....	20,000	2½	475 00	20,475 00
Knox county National Bank.....	3,000	2½	71 25	3,071 25
D. C. & R. H. Fisk.....	25,000	2½	593 75	25,593 75
C. E. Fuller & Co.....	20,000	2½	475 00	20,475 00
McKim Brothers.....	10,000	2½	237 50	10,237 50
Whitehouse, M. & Co.....	5,000	2½	118 75	5,118 75
Cornelius Vanderbilt.....	300,000	2½	7,125 00	307,125 00
First National Bank, Washington.....	20,000	2½	450 00	20,450 00
Jay Cooke & Co.....	20,000	2½	450 00	20,450 00
Do.....	200,000	2½	4,500 00	204,500 00
Fisk & Hatch.....	100,000	2½	2,250 00	102,250 00
Aldrich, Sharpe & Co.....	30,000	2½	675 00	30,675 00
Fisk & Hatch.....	250,000	2½	5,625 00	255,625 00
Ocean National Bank.....	29,000	2½	688 75	29,688 75
Edward Sweet & Co.....	25,000	2½	593 75	25,593 75
Maxwell & Graves.....	22,000	2½	522 50	22,522 50
John J. Cisco & Son.....	5,000	2½	118 75	5,118 75
Limbert & Leland Brothers.....	100,000	2½	2,375 00	102,375 00
Baker & K.....	10,000	2½	237 50	10,237 50
Ninth National Bank.....	6,000	2½	142 50	6,142 50
Jay Cooke.....	100,000	2½	2,250 00	102,250 00
P. M. Myers & Co.....	5,000	2½	112 50	5,112 50
Edward Sweet & Co.....	25,000	2½	585 03	25,585 93
Beebe & Toy.....	9,000	2½	213 75	9,213 75
Amos Kendall.....	100,000	2½	2,250 00	102,250 00
Jay Cooke & Co.....	100,000	2½	2,250 00	102,250 00

Sales of 5-20 bonds, act of March 3, 1865—Continued.

To whom sold.	Amount.	Rate.	Premium	Total.
First National Bank, Washington	\$20,000	2½	\$450 00	\$20,450 00
Jay Cooke & Co.	20,000	2½	450 00	20,450 00
Fisk & Hatch	500,000	2½	11,250 00	511,250 00
C. F. Livermore	25,000	2½	562 50	25,562 50
P. M. Myers & Co.	30,000	2½	675 00	30,675 00
J. J. Cisco & Son	30,000	2½	675 00	30,675 00
Fisk & Hatch	100,000	2½	2,250 00	102,250 00
J. J. Cisco & Son	50,000	2½	1,125 00	51,125 00
Fisk & Hatch	400,000	2½	9,000 00	409,000 00
P. M. Myers & Co.	111,000	2½	2,497 50	113,497 50
Do.	10,000	2½	225 00	10,225 00
Do.	10,000	2½	225 00	10,225 00
Fisk & Hatch	250,000	2½	5,625 00	255,625 00
Do.	250,000	2½	5,625 00	255,625 00
Jay Cooke & Co.	200,000	2½	4,500 00	204,500 00
Ninth National Bank	8,000	2½	180 00	8,180 00
Baker & K.	1,000	2½	22 50	1,022 50
H. A. Heiser's Sons	25,000	2½	593 75	25,593 75
Fred. Beck	10,000	2½	237 50	10,237 50
J. A. Morrison	2,000	2½	47 50	2,047 50
J. W. Scribner	5,000	2½	118 75	5,118 75
Peter Conelly	25,000	2½	593 75	25,593 75
Foot & Walker	50,000	2½	1,187 50	51,187 50
G. K. Sistare	11,000	2½	261 25	11,261 25
J. Gaston & Co	5,000	2½	118 75	5,118 75
Edward Sweet & Co	50,000	2½	1,187 50	51,187 50
Do.	100,000	2½	2,375 00	102,375 00
J. J. Sisco & Son	5,000	2½	118 75	5,118 75
Jay Cooke & Co.	50,000	2½	1,187 50	51,187 50
Ninth National Bank	18,000	2½	427 50	18,427 50
C. E. Waters & Easter	20,000	2½	475 00	20,475 00
A. B. Baylis	25,000	2½	593 75	25,593 75
John Brown	10,000	2½	237 50	10,237 50
Lemessena & Co.	50,000	2½	1,187 50	51,187 50
Mellen, Ward & Mower	25,000	2½	593 75	25,593 75
C. E. Fuller & Co	5,000	2½	118 75	5,118 75
C. A. Putnam & Co.	25,000	2½	593 75	25,593 75
J. Campbell	25,000	2½	593 75	25,593 75
Jay Cooke & Co.	100,000	2½	2,250 00	102,250 00
Do.	50,000	2½	1,125 00	51,125 00
Mellen, Ward & Mower	5,000	2½	118 75	5,118 75
J. W. Graham	25,000	2½	593 75	25,593 75
A. Deangelis	30,000	2½	712 50	30,712 50
E. Buckley	5,000	2½	118 75	5,118 75
Moran & Gould	13,000	2½	308 75	13,308 75
Lloyd, Hamilton & Co.	20,000	2½	475 00	20,475 00
Hayes & Tompkins	20,000	2½	475 00	20,475 00
Do.	20,000	2½	475 00	20,475 00
Fleitman & Co.	25,000	2½	593 75	25,593 75
G. K. Sistare	8,000	2½	190 00	8,190 00
Edward Sweet & Co	15,000	2½	356 25	15,356 25
Reade & Chase	10,000	2½	237 50	10,237 50
Ninth National Bank	7,000	2½	166 25	7,166 25
Fitzhugh & Jenkins	20,000	3	600 00	20,600 00
C. F. Slagg	4,000	3	120 00	4,120 00
D. Weeks	1,000	3	30 00	1,030 00
Jay Cooke & Co.	200,000	2½	5,000 00	205,000 00
First National Bank, Galveston	25,400	2½	635 00	26,035 00
Jay Cooke & Co.	4,600	2½	115 00	4,715 00
Fisk & Hatch	500,000	2½	13,125 00	513,125 00
P. M. Myers & Co.	100,000	2½	2,500 00	102,500 00
Fisk & Hatch	250,000	2½	6,250 00	256,250 00
D. C. & R. H. Fisk	50,000	2½	1,250 00	51,250 00

Sales of 5-20 bonds, act of March 3, 1865—Continued.

To whom sold.	Amount.	Rate.	Premium.	Total.
Weston & DeBillier.....	\$25,000	3½	\$875 00	\$25,875 00
Whitehouse, Morrison & Co	20,000	3½	700 00	20,700 00
Lippman & Ellery.....	4,000	3½	140 00	4,140 00
Harrison and Gurth & Co.....	500	3½	17 50	517 50
E. H. Hyde & Co.....	500	3½	17 50	517 50
P. M. Myers & Co.....	22,000	2½	345 00	12,345 00
G. K. Sistare	2,500	2½	71 88	2,571 88
Maxwell & Graves.....	6,500	2½	186 87	6,686 87
J. B. Alexander	7,500	2½	215 63	7,715 63
W. T. Hatch & Son	500	2½	14 38	514 38
H. T. Morgan & Co.....	3,000	2½	86 25	3,086 25
Edward Sweet & Co.....	100,000	2½	2,875 00	102,875 00
Baldwin & Weeks.....	6,500	2½	186 87	6,686 87
Gentil & Phipps.....	25,000	2½	687 50	25,687 50
Bryan Van Schaick & Brother	20,000	2½	550 00	20,550 00
Cromelin & Tillinghast.....	5,000	2½	137 50	5,137 50
G. C. Smalley	1,500	2½	43 12	1,543 12
Drexel & Co	25,000	2½	718 75	25,718 75
G. K. Sistare	2,000	2½	57 50	2,057 50
Jay Cooke & Co.....	100,000	2½	2,750 00	102,750 00
Lemassena & Co.....	15,500	2½	445 63	15,945 63
Grant & Son	10,000	2½	287 50	10,287 50
Foots & Walker	50,000	2½	1,437 50	51,437 50
Frank & Graves.....	3,500	2½	100 62	3,600 62
H. W. Ford, cashier.....	3,000	2½	86 25	3,086 25
F. B. Wallace & Co.....	2,500	2½	71 88	2,571 88
Kean & Davis.....	2,000	2½	57 50	2,057 50
Harrison, Garth & Co.....	6,500	2½	186 87	6,686 87
Hayes & Tompkin.....	5,000	2½	143 75	5,143 75
C. A. Putnam & Co.....	25,000	2½	718 75	25,718 75
Goodyear Brothers & Co	10,000	2½	287 50	10,287 50
J. J. Cisco & Son	100,000	2½	2,750 00	102,750 00
Clark, Dodge & Co	250,000	2½	6,875 00	256,875 00
Fisk & Hatch	200,000	2½	5,500 00	205,500 00
Edward Sweet & Co.....	200,000	2½	5,687 50	205,687 50
Purvis & Co	10,000	3	300 00	10,300 00
C. F. Slagg	1,500	3	45 00	1,545 00
Adams, Kimball & N.....	1,000	3	30 00	1,030 00
William Nicol	1,500	3	45 00	1,545 00
Sylvester Holmes	500	3	15 00	515 00
D. B. Benton.....	500	3	15 00	515 00
Charles Collins, trustee.....	3,000	3	90 00	3,090 00
T. A. Souder.....	500	3	15 00	515 00
G. D. Arthur & Co.....	500	3	15 00	515 00
C. A. Putnam & Co.....	5,000	3	150 00	5,150 00
C. E. Fuller & Co.....	3,000	3	90 00	3,090 00
Mellen, Ward & Mover.....	10,000	3	300 00	10,300 00
Austin, Corbin & Co.....	2,000	3	60 00	2,060 00
A. Siely.....	1,000	3	30 00	1,030 00
J. A. Thorne.....	5,000	3	150 00	5,150 00
Jay Cooke & Co.....	3,000	3	90 00	3,090 00
G. K. Sistare	2,000	3	60 00	2,060 00
Edward Lambert.....	10,000	2½	275 00	10,275 00
Smith, Martin & Co.....	200,000	2½	5,500 00	205,500 00
T. J. Richards.....	25,000	2½	687 50	25,687 50
Bank of Republic.....	4,000	2½	110 00	4,110 00
Edward Lambert.....	4,000	2½	110 00	4,110 00
Tior and Wood.....	500	2½	13 75	513 75
V. H. Hartsfield.....	2,500	2½	68 75	2,568 75
G. Allardice	4,000	2½	110 00	4,110 00
Clark, Dodge & Co	250,000	2½	6,875 00	256,875 00
Fisk & Hatch	50,000	2½	1,375 00	51,375 00
James Cassidy.....	5,000	2½	137 50	5,137 50

Sales of 5-20 bonds, act of March 3, 1865—Continued.

To whom sold.	Amount.	Rate.	Premium.	Total.
Mellen, Ward & Mower.....	\$25,000	2½	\$718 75	\$25,718 75
Do.....	10,000	2½	287 50	10,287 50
A. M. Ferris & Co.....	100,000	2½	2,875 00	102,875 00
G. K. Sistare.....	80,000	2½	2,300 00	82,300 00
Humbert Brothers.....	5,000	2½	143 75	5,143 75
Fisk & Hatch.....	350,000	2½	9,625 00	359,625 00
J. J. Cisco & Son.....	170,000	2½	4,675 00	174,675 00
Fisk & Hatch.....	25,000	2½	687 50	25,687 50
Do.....	400,000	2½	11,000 00	411,000 00
A. D. Easton.....	20,000	2½	575 00	20,575 00
First National Bank, Washington.....	30,000	2½	825 00	30,825 00
Amos Kendall.....	24,000	2½	660 00	24,660 00
Jay Cooke & Co.....	400,000	2½	11,000 00	411,000 00
F. Ellison.....	3,000	2½	86 25	3,086 25
C. E. Fuller & Co.....	7,000	2½	201 25	7,201 25
Jay Cooke & Co.....	100,000	2½	2,750 00	102,750 00
Johnson Brothers & Co.....	100,000	2½	2,750 00	102,750 00
Amos Kendall.....	27,000	2½	742 50	27,742 50
Fisk & Hatch.....	100,000	2½	2,750 00	102,750 00
P. M. Myers & Co.....	100,000	2½	2,750 00	102,750 00
Edward Sweet & Co.....	75,000	2½	2,109 37	77,109 37
Do.....	150,000	2½	4,218 75	154,218 75
J. J. Cisco & Son.....	25,000	2½	703 11	25,703 13
First National Bank.....	5,000	2½	140 62	5,140 62
H. W. Ford, cashier.....	10,000	2½	281 25	10,281 25
Do.....	18,000	2½	506 51	18,506 25
Jay Cooke & Co.....	24,000	2½	675 00	24,675 00
Robinson & Ogden.....	20,000	2½	562 50	20,562 50
James Curphy.....	8,000	2½	225 00	8,225 00
Robinson & Ogden.....	20,000	2½	562 50	20,562 50
R. L. Maitland & Co.....	5,000	2½	140 62	5,140 62
H. Clews & Co.....	10,000	2½	281 25	10,281 25
Robinson & Ogden.....	5,000	2½	140 62	5,140 62
Edward Sweet & Co.....	50,000	2½	1,406 25	51,406 25
First National Bank, New York.....	25,000	2½	703 13	25,703 13
Jay Cooke & Co.....	20,000	2½	550 00	20,550 00
H. M. Brent, cashier.....	30,000	2½	825 00	30,825 00
Jay Cooke & Co.....	100,000	2½	2,750 00	102,750 00
Do.....	200,000	2½	5,500 00	205,500 00
Kean & Davis.....	3,000	2½	84 38	3,084 38
Austin, Corbin & Co.....	6,000	2½	168 75	6,168 75
Maxwell & Graves.....	1,000	2½	25 13	1,025 13
Ninth National Bank.....	12,000	2½	337 50	12,337 50
H. W. Ford, cashier.....	3,000	2½	84 37	3,084 37
Smith, Randolph & Co.....	25,000	2½	703 13	25,703 13
Foot & Walker.....	100,000	2½	2,875 00	102,875 00
C. Warner.....	3,000	2½	84 25	3,084 25
Cammann & Co.....	16,000	2½	464 00	16,464 00
J. H. Cogswell.....	11,000	2½	316 25	11,316 25
Edward Sweet & Co.....	200,000	2½	5,637 50	205,637 50
Do.....	150,000	2½	4,218 75	154,218 75
Fisk & Hatch.....	100,000	2½	2,750 00	102,750 00
Clark, Dodge & Co.....	25,000	2½	687 50	25,687 50
Do.....	175,000	2½	4,812 50	179,812 50
J. J. Cisco & Son.....	70,000	2½	1,925 00	71,925 00
Jay Cooke & Co.....	30,000	2½	825 00	30,825 00
Haggerty & Co.....	100,000	2½	2,750 00	102,750 00
A. D. Easton & Co.....	25,000	2½	687 50	25,687 50
C. A. Putnam & Co.....	30,000	2½	825 00	30,825 00
Foot & Walker.....	50,000	2½	1,375 00	51,375 00
Mellen, Ward & Mower.....	25,000	2½	687 50	25,687 50
A. D. Easton.....	15,000	2½	412 50	15,412 50
Limbirt & Leland Brothers.....	25,000	2½	687 50	25,687 50

Sales of 5-20 bonds, act of March 3, 1865—Continued.

To whom sold.	Amount.	Rate.	Premium.	Total.
Haggerty & Co.....	\$25,000	2½	\$637 50	\$25,637 50
Mellen, Ward & Mower.....	25,000	2½	637 50	25,637 50
G. K. Sistare.....	3,000	2½	82 50	3,082 50
W. N. Nelson.....	5,000	2½	137 50	5,137 50
A. D. Easton.....	18,000	2½	495 00	18,495 00
Abner L. Ely.....	1,000	2½	27 50	1,027 50
L. L. Suensor.....	5,000	2½	137 50	5,137 50
P. M. Myers & Co.....	2,500	2½	68 75	2,568 75
C. Allardice.....	500	2½	13 75	513 75
Kean & Davis.....	2,000	2½	55 00	2,055 00
O. H. Wilson.....	2,500	2½	68 75	2,568 75
G. K. Sistare.....	2,500	2½	68 75	2,568 75
G. Miller.....	500	2½	13 75	513 75
First National Bank, Dayton.....	84,000	2½	2,420 00	90,420 00
Jay Cooke & Co.....	200,000	2½	5,750 00	205,750 00
Do.....	100,000	3	3,000 00	103,000 00
P. M. Myers & Co.....	100,000	3	3,000 00	103,000 00
Fisk & Hatch.....	50,000	3	1,500 00	51,500 00
Do.....	70,000	3	2,100 00	72,100 00
Do.....	50,000	3	1,500 00	51,500 00
Clark, Dodge & Co.....	500,000	3	15,000 00	515,000 00
Julia A. Jacobs.....	500	2½	13 75	513 75
Ninth National Bank.....	5,000	2½	137 50	5,137 50
Kean & Davis.....	25,000	2½	687 50	25,687 50
Ninth National Bank.....	10,000	2½	275 00	10,275 00
Fourth National Bank.....	9,000	2½	247 50	9,247 50
Edward Sweet & Co.....	50,000	2½	1,375 00	51,375 00
Do.....	100,000	2½	2,750 00	102,750 00
Do.....	100,000	2½	2,750 00	102,750 00
Reade & Chase.....	100,000	2½	2,750 00	102,750 00
First National Bank, New York.....	200,000	2½	2,750 00	205,750 00
Johnson Brothers & Co.....	100,000	3½	3,125 00	103,125 00
Jay Cooke & Co.....	100,000	3½	3,125 00	103,125 00
Edward Sweet & Co.....	50,000	3½	1,609 37	51,609 37
E. C. & R. H. Fisk.....	20,000	3½	643 75	20,643 75
D. P. Morgan.....	50,000	3½	1,609 38	51,609 38
C. Allardice.....	5,000	3½	160 93	5,160 93
Phoenix National Bank.....	300,000	3½	9,750 00	309,750 00
P. M. Myers & Co.....	150,000	3½	4,687 50	154,687 50
Fisk & Hatch.....	250,000	3½	7,812 50	257,812 50
Do.....	1,000,000	3½	31,250 00	1,031,250 00
J. J. Cisco & Son.....	300,000	3½	9,375 00	309,375 00
Fisk & Hatch.....	500,000	3	15,000 00	515,000 00
Do.....	250,000	3	7,500 00	257,500 00
A. Robinson.....	2,000	3	60 00	2,060 00
Jay Cooke & Co.....	182,000	3	5,460 00	187,460 00
H. W. Ford, cashier.....	2,000	3	60 00	2,060 00
National City Bank.....	2,000	3	60 00	2,060 00
Tilford Bodley.....	1,500	3	45 00	1,545 00
T. P. Lyon.....	500	3	15 00	515 00
W. H. Phillips.....	60,000	3	1,800 00	61,800 00
A. Jenkins.....	169,000	3½	5,386 87	174,386 87
Do.....	900,000	3½	28,687 50	928,687 50
Edward Sweet & Co.....	50,000	3½	1,593 75	51,593 75
Satterlee & Co.....	6,000	3½	191 25	6,191 25
P. M. Myers & Co.....	100,000	3½	3,125 00	103,125 00
Fisk & Hatch.....	600,000	3½	18,750 00	618,750 00
Frank & Gans.....	50,000	3½	1,562 50	51,562 50
P. M. Myers & Co.....	350,000	3½	10,937 50	360,937 50
Do.....	723,000	3½	22,593 75	745,593 75
Fisk & Hatch.....	1,277,000	3½	39,906 25	1,316,906 25
Burke, Herbert & Co.....	5,000	3½	168 75	5,168 75
Jay Cooke & Co.....	45,000	3½	1,518 75	46,518 75

Sales of 5-20 bonds, act of March 3, 1865—Continued.

To whom sold.	Amount.	Rate.	Premium.	Total.
Jay Cooke & Co.....	\$600,000	3 $\frac{3}{8}$	\$20,250 00	\$620,250 00
Do.....	500,000	3 $\frac{3}{8}$	16,875 00	516,875 00
Clark, Dodge & Co.....	100,000	3 $\frac{3}{8}$	3,625 00	103,625 00
Foote & Walker.....	50,000	3 $\frac{3}{8}$	1,812 50	51,812 50
C. A. Putnam & Co.....	75,000	3 $\frac{3}{8}$	2,718 75	77,718 75
J. J. Cisco & Son.....	25,000	3 $\frac{3}{8}$	875 00	25,875 00
C. A. Putnam & Co.....	100,000	3 $\frac{1}{2}$	3,500 00	103,500 00
W. & J. O'Brien.....	16,000	3 $\frac{1}{2}$	560 00	16,560 00
Greenleaf, Norris & Co.....	24,000	3 $\frac{1}{2}$	840 00	24,840 00
Frank & Gans.....	5,000	3 $\frac{1}{2}$	175 00	5,175 00
E. C. & R. H. Fisk.....	60,000	3 $\frac{1}{2}$	2,100 00	62,100 00
Turner Brothers.....	5,000	3 $\frac{1}{2}$	175 00	5,175 00
A. K. Fahnestock.....	40,000	3 $\frac{1}{2}$	1,400 00	41,400 00
E. V. N. Linthicum.....	25,000	4 $\frac{1}{8}$	1,031 25	26,031 25
Jay Cooke & Co.....	200,000	3 $\frac{3}{8}$	7,750 00	207,750 00
Do.....	100,000	4	4,000 00	104,000 00
Do.....	150,000	4 $\frac{1}{8}$	6,562 50	156,562 50
C. A. Putnam & Co.....	50,000	4 $\frac{1}{8}$	2,062 50	52,062 50
P. M. Meyers & Co.....	20,000	4 $\frac{1}{8}$	825 00	20,825 00
National Bank redemption.....	20,000	4 $\frac{1}{8}$	825 00	20,825 00
Clark, Dodge & Co.....	70,000	4 $\frac{1}{8}$	2,887 50	72,887 50
Maxwell & Graves.....	100,000	4 $\frac{1}{8}$	4,250 00	104,250 00
Baker & K.....	10,000	4 $\frac{1}{2}$	425 00	10,425 00
Harrison, Garth & Co.....	15,000	4 $\frac{1}{2}$	637 50	15,637 50
D. C. & R. H. Fisk.....	50,000	4 $\frac{1}{2}$	2,125 00	52,125 00
Lawrence Brothers & Co.....	6,000	4 $\frac{1}{2}$	255 00	6,255 00
Ward & Co.....	130,000	4 $\frac{1}{2}$	5,525 00	135,525 00
Ketcham & Co.....	10,000	4 $\frac{1}{2}$	425 00	10,425 00
Winslow, Lanier & Co.....	20,000	4 $\frac{1}{2}$	850 00	20,850 00
C. H. Voorhees.....	85,000	4 $\frac{1}{2}$	3,612 50	88,612 50
Lippman & Ellery.....	125,000	4 $\frac{1}{2}$	5,312 50	130,312 50
H. Meigs, jr., & Smith.....	50,000	4 $\frac{1}{2}$	2,125 00	52,125 00
Lemassena & Co.....	27,000	4 $\frac{1}{2}$	1,147 50	28,147 50
National Bank redemption.....	30,000	4 $\frac{1}{2}$	1,275 00	31,275 00
Henry Clews & Co.....	10,000	4 $\frac{1}{2}$	425 00	10,425 00
T. Eakin.....	10,000	4 $\frac{1}{2}$	425 00	10,425 00
Philip House.....	50,000	4 $\frac{1}{2}$	2,125 00	52,125 00
Foote & Walker.....	50,000	4 $\frac{1}{2}$	2,125 00	52,125 00
Johnson Brothers & Co.....	50,000	4 $\frac{1}{2}$	2,125 00	52,125 00
Edward Sweet & Co.....	50,000	4 $\frac{1}{2}$	2,125 00	52,125 00
Bell & Yelverton.....	50,000	4 $\frac{1}{2}$	2,125 00	52,125 00
Henry Clews & Co.....	50,000	4 $\frac{1}{2}$	2,125 00	52,125 00
Jay Cooke & Co.....	62,000	4 $\frac{1}{2}$	2,635 00	64,635 00
Do.....	250,000	4 $\frac{7}{8}$	12,187 50	262,187 50
H. H. Thompson, cashier.....	20,000	4 $\frac{7}{8}$	975 00	20,975 00
Jay Cooke & Co.....	300,000	5	15,000 00	315,000 00
Do.....	500,000	8 $\frac{1}{8}$	43,125 00	543,125 00
Do.....	500,000	9 $\frac{1}{8}$	48,125 00	548,125 00
Secretary of Interior.....	104,100	5 $\frac{1}{4}$	5,725 50	109,825 50
First National Bank, Washington.....	15,000	6 $\frac{1}{4}$	975 00	15,975 00
Do.....	25,000	8	2,000 00	27,000 00
E. Sweet.....	50,000	8 $\frac{1}{8}$	4,062 50	54,062 50
Bailey & Howard.....	200,000	8 $\frac{1}{8}$	16,250 00	216,250 00
Fisk & Hatch.....	100,000	8 $\frac{1}{8}$	8,125 00	108,125 00
D. W. Kean.....	100,000	8 $\frac{1}{8}$	8,125 00	108,125 00
Jay Cooke & Co.....	50,000	8 $\frac{1}{8}$	4,062 50	54,062 50
C. Allardice.....	200,000	8 $\frac{1}{8}$	16,250 00	216,250 00
Mellen, Ward & Co.....	50,000	8 $\frac{1}{8}$	4,062 50	54,062 50
C. Allardice.....	50,000	8 $\frac{1}{8}$	4,062 50	54,062 50
E. Sweet & Co.....	50,000	8 $\frac{1}{8}$	4,062 50	54,062 50
C. Distenold.....	50,000	8 $\frac{1}{8}$	4,062 50	54,062 50
Smith, Randolph & Co.....	100,000	8 $\frac{1}{8}$	8,125 00	108,125 00
Foote & Walker.....	50,000	8 $\frac{1}{8}$	4,062 50	54,062 50

Sales of 5-20 bonds, act of March 3, 1865—Continued.

To whom sold.	Amount.	Rate.	Premium.	Total.
E. Sweet & Co.....	\$50,000		\$4,062 50	\$54,062 50
H. T. Morgan & Co	20,000		1,625 00	21,625 00
J. L. Norvell.....	30,000		2,437 50	32,437 50
D. C. & R. H. Fisk	50,000		4,062 50	54,062 50
Manning & De Forest.....	18,000		1,462 50	19,462 50
S. P. Burt.....	10,000		812 50	10,812 50
Jay Cooke & Co.....	72,000		5,850 00	77,850 00
Foote & Walker.....	100,000		8,187 50	108,187 50
Smith, Randolph & Co	50,000		4,093 75	54,093 75
Bailey & Howard.....	25,000		2,046 87	27,046 87
C. E. Fuller & Co.....	25,000		2,046 88	27,046 88
Mellen, Ward & Co.....	50,000		4,125 00	54,125 00
D. C. & R. H. Fisk	50,000		4,125 00	54,125 00
R. L. Livingston	50,000		4,125 00	54,125 00
C. E. Walker & Easter	100,000		8,250 00	108,250 00
Rost Van Lunberg.....	50,000		4,062 50	54,062 50
Jay Cooke & Co.....	70,000		5,731 25	75,731 25
Do.....	30,000		2,512 50	32,512 50
Isett, Kerr & Co.....	100,000		8,187 50	108,187 50
Do.....	187,000		15,427 50	202,427 50
Jay Cooke & Co.....	13,000		1,072 50	14,072 50
Do.....	41,000		3,433 75	44,433 75
Humbert Brothers	350,000		29,312 50	379,312 50
Jay Cooke & Co.....	50,000		4,187 50	54,187 50
H. A. Heiser's Sons.....	90,000		7,537 50	97,537 50
J. J. Cisco & Son	6,000		502 50	6,502 50
J. F. Baker.....	3,000		251 25	3,251 25
H. A. Heiser's Sons.....	10,000		837 50	10,837 50
C. H. Delevan.....	32,000		2,720 00	34,720 00
Satterlee & Co.....	7,000		595 00	7,595 00
John Chadwick.....	5,000		425 00	5,425 00
Jay Cooke & Co.....	6,000		510 00	6,510 00
D. W. Kean.....	275,000		23,117 18	298,117 13
Central National Bank, Philadelphia ..	50,000		4,437 50	54,437 50
Do.....	50,000		4,468 75	54,468 75
Do.....	50,000		4,500 00	54,500 00
E. W. Clark & Co.....	25,000		2,250 00	27,250 00
Jay Cooke & Co.....	25,000		2,250 00	27,250 00
J. J. Cisco & Son	30,000		2,568 75	32,568 75
A. V. Clark.....	10,000		856 25	10,856 25
Do.....	15,000		1,284 38	16,284 38
Johnston Brothers & Co.....	25,000		2,140 62	27,140 62
Mellen, Ward & Co.....	5,000		428 12	5,428 12
Jay Cooke & Co.....	15,000		1,284 38	16,284 38
Humbert Brothers.....	200,000		17,062 50	217,062 50
Fisk & Hatch.....	200,000		16,875 00	216,875 00
D. W. Kean.....	187,000		15,719 69	202,719 69
Merchants' National Bank, Savannah ..	50,000		4,312 50	54,312 50
Foote & Walker.....	3,000		256 88	3,256 88
G. W. Cuyler, president.....	6,000		513 75	6,513 75
Drexel & Co.....	50,000		4,250 00	54,250 00
Jay Cooke & Co.....	50,000		4,250 00	54,250 00
Davies Brothers.....	100,000		8,500 00	108,500 00
W. T. Hatch & Son	3,000		255 93	3,255 93
C. Allardice.....	6,000		511 88	6,511 88
R. Sweet & Co.....	50,000		4,265 62	54,265 62
Bailey & Howard.....	130,000		11,090 62	141,090 62
Richards & Kean	6,000		511 88	6,511 88
W. H. Nelson.....	50,000		4,281 25	54,281 25
R. Bayard.....	50,000		4,281 25	54,281 25
Munzinger & Pitzipio	50,000		4,281 25	54,281 25
Foote & Walker.....	57,500		4,923 44	62,423 44
Baker & Ketchum	5,000		428 12	5,428 12

Sales of 5-20 bonds, act of March 3, 1865.—Continued.

To whom sold.	Amount.	Rate.	Premium.	Total.
A. Ewen, jr., vice-president	\$100,000	9 $\frac{1}{8}$	\$9,062 50	\$109,062 50
Drexel & Co.	50,000	8 $\frac{7}{8}$	4,218 75	54,218 75
A. Ewen, jr., vice-president	50,000	8 $\frac{7}{8}$	4,218 75	54,218 75
Jay Cooke & Co.	50,000	8 $\frac{7}{8}$	4,218 75	54,218 75
Footo & Walker	150,000	8 $\frac{1}{8}$	12,750 00	162,750 00
Jay Cooke & Co.	10,000	8 $\frac{1}{8}$	850 00	10,850 00
Footo & Walker	50,000	8 $\frac{1}{8}$	4,250 00	54,250 00
Do.	20,000	8 $\frac{1}{8}$	1,712 50	21,712 50
Bolles & Co.	10,000	8 $\frac{1}{8}$	856 25	10,856 25
Bailey & Howard	15,000	8 $\frac{1}{8}$	1,284 33	16,284 33
Baker & Ketchum	11,000	8 $\frac{1}{8}$	941 87	11,941 87
E. T. Hoops	7,000	8 $\frac{1}{8}$	599 38	7,599 38
First National Bank, Amesbury	9,000	8 $\frac{1}{8}$	770 62	9,770 62
Oneida National Bank	100,000	8 $\frac{1}{8}$	8,562 50	108,562 50
Footo & Walker	125,000	8 $\frac{1}{8}$	10,781 25	135,781 25
C. F. Livermore, trustee	25,000	8 $\frac{1}{8}$	2,156 25	27,156 25
C. Allardice	9,000	8 $\frac{1}{8}$	779 67	9,779 67
Baker & Ketchum	9,000	8 $\frac{1}{8}$	779 06	9,779 06
First National Bank, Washington	30,000	9 $\frac{1}{8}$	2,850 00	32,850 00
Do.	31,500	10 $\frac{1}{8}$	3,189 37	34,689 37
C. F. Livermore	14,500	8 $\frac{1}{8}$	1,250 63	15,750 63
Footo & Walker	50,000	8 $\frac{1}{8}$	4,312 50	54,312 50
Pahquoque Bank	10,000	8 $\frac{1}{8}$	862 50	10,862 50
White, Morris & Co.	50,000	8 $\frac{1}{8}$	4,328 13	54,328 13
J. R. Dick & Co.	9,000	8 $\frac{1}{8}$	781 88	9,781 88
J. W. Schucker	3,000	8 $\frac{1}{8}$	260 62	3,260 62
Flour City National Bank	10,000	8 $\frac{1}{8}$	868 75	10,868 75
A. D. Easton	1,000	8 $\frac{1}{8}$	86 87	1,086 87
S. P. Burt	1,000	8 $\frac{1}{8}$	86 88	1,086 88
First National Bank, New York	4,000	8 $\frac{1}{8}$	347 50	4,347 50
Easton National Bank, Bangor	2,000	8 $\frac{1}{8}$	173 75	2,173 75
S. P. Burt	6,000	8 $\frac{1}{8}$	521 25	6,521 25
First National Bank, Amesbury	9,000	8 $\frac{1}{8}$	781 87	9,781 87
L. W. Jerome	100,000	8 $\frac{1}{8}$	8,687 50	108,687 50
Winslow, Lanier & Co.	200,000	8 $\frac{1}{8}$	17,375 00	217,375 00
Limbert & Leland Brothers	2,000	8 $\frac{1}{8}$	173 75	2,173 75
H. T. Morgan & Co.	18,000	8 $\frac{1}{8}$	1,563 75	19,563 75
Humbert Brothers	5,000	8 $\frac{1}{8}$	434 38	5,434 38
A. V. Clark	11,000	8 $\frac{1}{8}$	955 63	11,955 63
Winslow, Lanier & Co.	100,000	8 $\frac{1}{8}$	8,687 50	108,687 50
Whitehouse, Morrison & Co.	2,000	8 $\frac{1}{8}$	173 75	2,173 75
Ward, Campbell & Co.	5,000	8 $\frac{1}{8}$	434 37	5,434 37
National Bank of New England	3,000	8 $\frac{1}{8}$	260 62	3,260 62
P. Kerron	3,000	8 $\frac{1}{8}$	260 63	3,260 63
S. P. Burt	12,000	8 $\frac{1}{8}$	1,563 75	13,563 75
Windham National Bank	3,000	8 $\frac{1}{8}$	260 62	3,260 62
A. Karnes	3,000	8 $\frac{1}{8}$	260 63	3,260 63
L. W. Jerome	200,000	8 $\frac{1}{8}$	17,375 00	217,375 00
Do.	400,000	8 $\frac{1}{8}$	34,750 00	434,750 00
Drexel & Co.	50,000	9 $\frac{1}{8}$	4,750 00	54,750 00
N. F. Boas, president	25,000	9 $\frac{1}{8}$	2,375 00	27,375 00
Jay Cooke & Co.	25,000	9 $\frac{1}{8}$	2,375 00	27,375 00
Central National Bank, Philadelphia	100,000	8 $\frac{1}{8}$	8,437 50	108,437 50
Drexel & Co.	25,000	8 $\frac{1}{8}$	2,109 37	27,109 37
Smith, Randolph & Co.	25,000	8 $\frac{1}{8}$	2,109 38	27,109 38
Jay Cooke & Co.	50,000	8 $\frac{1}{8}$	4,187 50	54,187 50
Spring Garden Fire Insurance Comp'ny	50,000	8 $\frac{1}{8}$	4,312 50	54,312 50
Jay Cooke & Co.	50,000	8 $\frac{1}{8}$	4,312 50	54,312 50
Smith, Randolph & Co.	50,000	8 $\frac{1}{8}$	4,375 00	54,375 00
Central National Bank, Philadelphia	50,000	8 $\frac{1}{8}$	4,375 00	54,375 00
Jay Cooke & Co.	100,000	10 $\frac{1}{8}$	10,250 00	110,250 00
First National Bank, Washington	50,000	10	5,000 00	55,000 00
L. W. Jerome	300,000	8 $\frac{1}{8}$	26,625 00	326,625 00

Sales of 5-20 bonds, act of March 3, 1865.—Continued.

To whom sold.	Amount.	Rate.	Premium.	Total.
First National Bank, New York.....	\$12,000	8 3-4	\$1,050 00	\$13,050 00
Oneida National Bank.....	207,000	8 3-4	18,112 50	225,112 50
E. Sweet & Co.....	50,000	8 25-32	4,390 63	54,390 63
Birch, Murray & Co.....	250,000	8 11-16	21,718 75	271,718 75
Smith, Randolph & Co.....	50,000	8 11-16	4,343 75	54,343 75
Birch, Murray & Co.....	200,000	8 15-16	17,875 00	217,875 00
Pahquoque Bank.....	10,000	8 15-16	893 75	10,893 75
Foote & Walker.....	5,000	8 15-16	446 87	5,446 87
John Sanderson.....	3,000	8 15-16	268 13	3,268 13
W. A. Timpson.....	3,000	8 15-16	268 12	3,268 12
Maxwell & Graves.....	10,000	8 15-16	893 75	10,893 75
Waters & Easter.....	50,000	8 15-16	4,468 75	54,468 75
Spencer, Vila & Co.....	100,000	8 15-16	8,937 50	108,937 50
W. H. Nelson.....	10,000	9 1-16	906 25	10,906 25
Allegheny National Bank.....	90,000	9 1-16	8,156 25	98,156 25
Fisk & Hatch.....	50,000	9 1-16	4,531 25	54,531 25
H. F. Vail, cashier.....	50,000	9 1-16	4,531 25	54,531 25
Foote & Walker.....	100,000	9 1-16	9,062 50	109,062 50
E. Townsend.....	100,000	9 1-16	9,062 50	109,062 50
Robinson & Ogden.....	50,000	9 3-16	4,593 75	54,593 75
L. W. Jerome & Co.....	150,000	9 5-16	13,968 75	163,968 75
Jay Cooke & Co.....	25,000	10 1-8	2,531 25	27,531 25
First National Bank, Washington.....	50,000	9 3-4	4,875 00	54,875 00
L. W. Jerome.....	400,000	9 5-16	37,250 00	437,250 00
William H. Seward.....	10,000	9 3-4	975 00	10,975 00
First National Bank, Washington.....	44,100	8 1-2	3,748 50	47,848 50
S. D. Babcock.....	30,000	9	2,700 00	32,700 00
L. W. Jerome.....	450,000	9 5-16	41,906 25	491,906 25
G. R. Sistare.....	10,000	9 7-16	943 75	10,943 75
O. W. Joselyn.....	25,000	9 7-16	2,359 38	27,359 38
L. C. French.....	5,000	9 7-16	471 87	5,471 87
Brown & Clinton.....	10,000	9 7-16	943 75	10,943 75
Smith & Randolph.....	100,000	8 1-2	8,500 00	108,500 00
D. Groesbeck & Co.....	5,000	9 7-16	471 87	5,471 87
National Currency Bank.....	15,000	9 7-16	1,415 63	16,415 63
E. Sweet & Co.....	25,000	9 7-16	2,359 37	27,359 37
Fisk & Hatch.....	100,000	9 9-16	9,562 50	109,562 50
Foote & Walker.....	55,000	9 11-16	5,328 12	60,328 12
Julius Hart.....	50,000	9 11-16	4,843 75	54,843 75
Isett, Kerr & Co.....	100,000	9 11-16	9,687 50	109,687 50
Fisk & Hatch.....	100,000	9 13-16	9,812 50	109,812 50
G. S. Fanshawe.....	50,000	9 13-16	4,906 25	54,906 25
W. T. Meredith.....	30,000	7 11-16	2,306 25	32,306 25
Foote & Walker.....	45,000	7 11-16	3,459 37	48,459 37
W. K. Kathern.....	5,000	7 11-16	384 37	5,384 37
H. A. Cheman.....	10,000	7 11-16	768 75	10,768 75
Brown & Lane.....	3,000	7 11-16	230 62	3,230 62
Richards & Co.....	6,000	7 11-16	461 25	6,461 25
Hooper, Reese & Co.....	46,000	7 11-16	3,536 27	49,536 27
W. Knowlton & Son.....	10,000	7 13-16	781 25	10,781 25
Hewlett & Ryerson.....	25,000	7 13-16	1,953 12	26,953 12
Jay Cooke & Co.....	100,000	7 13-16	7,812 50	107,812 50
Fisk & Hatch.....	200,000	7 13-16	15,625 00	215,625 00
E. Sweet & Co.....	20,000	7 13-16	1,562 50	21,562 50
Humbert Brothers.....	10,000	8 1-16	806 25	10,806 25
Underhill & Haven.....	29,000	8 1-16	2,338 12	31,338 12
L. W. Jerome.....	15,000	8 1-16	1,209 38	16,209 38
C. F. Livermore.....	6,000	8 1-16	483 75	6,483 75
Jay Cooke & Co.....	150,000	8 1-16	12,093 75	162,093 75
W. H. Morrison.....	10,000	8 3-16	818 75	10,818 75
W. Knowlton & Son.....	200,000	8 3-16	16,375 00	216,375 00
Fisk & Hatch.....	100,000	8 3-16	8,187 50	108,187 50
Humbert Brothers.....	200,000	8 3-16	16,375 00	216,375 00

Sales of 5-20 bonds, act of March 3, 1865.—Continued.

To whom sold.	Amount.	Rate.	Premium.	Total.
A. H. Rodman	\$50,000	8 3-16	\$4,093 75	\$54,093 75
Mellen, Ward & Co.	50,000	8 3-16	4,093 75	54,093 75
E. Sweet & Co.	40,000	8 5-16	3,325 00	43,325 00
H. A. Sackett	6,000	8 1-16	483 75	6,483 75
First National Bank, New York	140,500	8 1-2	11,942 50	152,442 50
Jay Cooke & Co.	100,000	7 3-4	7,750 00	107,750 00
Smith, Randolph & Co.	200,000	8 3-16	16,375 00	216,375 00
Do.	100,000	7 7-8	7,875 00	107,875 00
Fisk & Hatch	100,000	8 1-8	8,125 00	108,125 00
Jay Cooke & Co.	100,000	8 1-8	8,125 00	108,125 00
Smith, Randolph & Co.	100,000	8 3-16	8,187 50	108,187 50
Footo & Walker	270,000	7 7-8	21,262 50	291,262 50
Do.	30,000	7 15-16	2,381 25	32,381 25
Jay Cooke & Co.	100,000	8 5-16	8,312 50	108,312 50
Smith, Randolph & Co.	100,000	8 1-8	8,125 00	108,125 00
G. T. Bowman & Co.	10,000	7 15-16	793 75	10,793 75
G. F. Thomas	5,000	7 15-16	396 88	5,396 88
Richards & Kean	5,000	7 15-16	396 87	5,396 87
Humbert Brothers	10,000	7 15-16	793 75	10,793 75
Footo & Walker	20,000	7 15-16	1,587 50	21,587 50
D. C. & R. H. Fisk	400,000	8 1-16	32,250 00	432,250 00
A. D. Easton	50,000	8 1-16	4,031 25	54,031 25
C. Ashworth	100,000	8 1-16	8,062 50	108,062 50
M. Hennessey	50,000	8 1-16	4,031 25	54,031 25
Limbirt & Leland Brothers	100,000	8 1-16	8,062 50	108,062 50
Whitehouse, Morrison & Co.	5,000	8 1-16	403 12	5,403 12
E. King	5,000	8 1-16	403 12	5,403 12
Stone, Nichols & Stone	12,000	8 1-16	967 50	12,967 50
G. S. Bowdoin	5,000	8 1-16	403 12	5,403 12
A. G. Hemingway	1,000	8 1-16	80 63	1,080 63
Dibble, Camblos & Co.	7,000	8 1-16	564 37	7,564 37
Bolles & Co.	20,000	8 1-16	1,612 50	21,612 50
Humbert Brothers	5,000	8 1-16	403 12	5,403 12
M. Golding	5,000	8 1-16	403 13	5,403 13
Bolles & Co.	30,000	8 1-16	2,418 75	32,418 75
Footo & Walker	100,000	8 1-16	8,062 50	108,062 50
Mellen, Ward & M	30,000	8 1-16	2,418 75	32,418 75
Maxwell & Graves	10,000	8 1-8	812 50	10,812 50
Footo & Walker	50,000	8 1-8	4,062 50	54,062 50
E. Sweet & Co.	50,000	8 5-32	4,078 13	54,078 13
G. K. Sistare	5,000	8 3-16	409 38	5,409 38
Union National Bank	10,000	8 3-16	818 75	10,818 75
Jay Cooke & Co.	300,000	8	24,000 00	324,000 00
Smith, Randolph & Co.	150,000	8 1-8	12,187 50	162,187 50
Fisk & Hatch	250,000	8 1-8	20,312 50	270,312 50
Footo & Walker	50,000	8 1-8	4,062 50	54,062 50
Hooper, Reese & Co.	80,000	8 3-16	6,550 00	86,550 00
Limbirt & Leland Brothers	50,000	8 3-16	4,093 75	54,093 75
Footo & Walker	30,000	8 3-16	2,456 25	32,456 25
First National Bank, New York	5,000	8 3-16	409 38	5,409 38
Footo & Walker	20,000	8 1-4	1,650 00	21,650 00
National Currency Bank	15,000	8 1-4	1,237 50	16,237 50
Footo & Walker	132,000	8 1-4	10,890 00	142,890 00
Turner Brothers	50,000	8 9-32	4,140 63	54,140 63
Richards & Kean	5,000	8 9-32	414 06	5,414 06
Mellen, Ward & M	25,000	8 5-16	2,078 12	27,078 12
Halgarten & Herzfeldt	10,000	8 5-16	831 25	10,831 25
Limbirt & Leland Brothers	25,000	8 5-16	2,078 12	27,078 12
First National Bank, Philadelphia	50,000	8 5-16	4,156 25	54,156 25
Hooper, Reese & Co.	10,000	8 5-16	831 25	10,831 25
White, Morris & Co.	50,000	8 5-16	4,156 25	54,156 25
Lawrence Brothers & Co.	50,000	8 5-16	4,156 25	54,156 25
Trevor & Colgate	10,000	8 5-16	831 25	10,831 25

Sales of 5-20 bonds, act of March 3, 1865.—Continued.

To whom sold.	Amount.	Rate.	Premium.	Total.
Meigs, Von Seybold & Co.....	\$15,000	8 5-16	\$1,246 87	\$16,246 87
Hooper, Reese & Co.....	10,000	8 5-16	831 25	10,831 25
D. L. Newburg.....	10,000	8 5-16	831 25	10,831 25
S. P. Burt.....	12,000	8 5-16	997 50	12,997 50
Lockwood & Co.....	25,000	8 5-16	2,078 12	27,078 12
W. & J. O'Brien.....	7,000	8 5-16	581 88	7,581 88
Fourth National Bank, New York..	3,000	8 5-16	249 38	3,249 38
J. Perry, jr.....	1,000	8 5-16	83 13	1,083 13
Jay Cooke & Co.....	250,000	8 3-8	20,937 50	270,937 50
Fourth National Bank, New York..	1,167,000	7 3-4	90,442 50	1,257,442 50
Jay Cooke & Co.....	100,000	8	8,000 00	108,000 00
Giddings & Torrey.....	25,000	8 5-16	2,078 12	27,078 12
Hooper, Reese & Co.....	10,000	8 5-16	831 25	10,831 25
Morgan & Gould.....	6,000	8 5-16	498 75	6,498 75
A. Frank.....	4,000	8 5-16	332 50	4,332 50
Giddings & Torrey.....	75,000	8 5-16	6,234 37	81,234 37
Foote & Walker.....	100,000	8 5-16	8,312 50	108,312 50
Hooper, Reese & Co.....	25,000	8 5-16	2,078 13	27,078 13
Brewster, Sweet & Co.....	25,000	8 5-16	2,078 13	27,078 13
Julius Hart.....	15,000	8 5-16	1,246 87	16,246 87
Richards & Kean.....	8,000	8 5-16	665 00	8,665 00
Bailey & Howard.....	2,000	8 5-16	166 25	2,166 25
H. H. Vinton.....	100,000	8 3-16	8,187 50	108,187 50
C. Allardice.....	10,000	8 3-16	818 75	10,818 75
Thompson & Corning.....	2,000	8 3-16	163 75	2,163 75
Harriot, Parker & Co.....	3,000	8 3-16	245 62	3,245 62
Halgarten & Herzfeldt.....	10,000	8 3-16	818 75	10,818 75
Vermilye & Co.....	10,000	8 3-16	818 75	10,818 75
C. Allardice.....	2,500	8 3-16	204 69	2,704 69
Stone, Nichols & Stone.....	1,500	8 3-16	122 81	1,622 81
Gracie & Haight.....	1,000	8 3-16	81 88	1,081 88
S. P. Burt.....	15,000	8 3-16	1,228 12	16,228 12
John Thompson.....	50,000	8 3-16	4,093 75	54,093 75
Jay Cooke & Co.....	10,000	8 1-2	850 00	10,850 00
A. Enos, jr., vice-president.....	100,000	8 5-8	8,625 00	108,625 00
Smith, Randolph & Co.....	50,000	8 5-8	4,312 50	54,312 50
E. Swift.....	50,000	8 3-4	4,375 00	54,375 00
W. T. Carter.....	50,000	8 3-4	4,375 00	54,375 00
Davies Brothers.....	25,000	8 3-4	2,187 50	27,187 50
Jay Cooke & Co.....	100,000	8 3-4	8,750 00	108,750 00
First National Bank, New York.....	250,000	8 3-16	20,468 75	270,468 75
J. G. Bacon & Son.....	14,000	8 7-16	1,181 25	15,181 25
First National Bank, New York.....	200,000	8 3-16	16,375 00	216,375 00
John Thompson.....	50,000	8 3-16	4,093 75	54,093 75
Spencer, Vila & Co.....	50,000	8 3-16	4,093 75	54,093 75
First National Bank, New York.....	50,000	8 3-16	4,093 75	54,093 75
Foote & Walker.....	35,000	8 1-4	2,837 50	37,837 50
G. K. Sistare.....	8,000	8 9-32	662 50	8,662 50
W. B. Mort & Co.....	7,000	8 5-16	581 88	7,581 88
Humbert Brothers.....	150,000	8 5-16	12,468 75	162,468 75
A. Wood.....	200,000	8 5-16	16,625 00	216,625 00
Giddings & Torrey.....	25,000	8 7-16	2,109 38	27,109 38
Foote & Walker.....	100,000	8 7-16	8,437 50	108,437 50
J. J. Cisco & Son.....	10,000	8 1-2	850 00	10,850 00
A. Jenkins.....	165,000	8 17-32	14,076 56	179,076 56
Jay Cooke & Co.....	10,000	8 1-2	850 00	10,850 00
W. F. Carter.....	50,000	7 5-8	4,812 50	54,812 50
Central National Bank, Philadelphia..	100,000	7 1-8	7,125 00	107,125 00
H. C. Carter.....	10,000	8 15-32	846 88	10,846 88
Richards & Kean.....	190,000	8 15-32	16,090 63	206,090 63
C. Allardice.....	273,000	8 15-32	22,865 62	292,865 62
Johnston Brothers & Co.....	25,000	8 7-16	2,109 37	27,109 37
Richards & Kean.....	5,000	8 7-16	421 88	5,421 88

Sales of 5-20 of bonds, act of March 3, 1865—Continued.

To whom sold.	Amount.	Rate.	Premium.	Total.
Foote & Walker	\$100,000	8 7-16	\$8,437 50	\$108,437 50
Jay Cooke & Co.	50,000	8 7-16	4,218 75	54,218 75
Mellen, Ward & M.	100,000	8 1-2	8,500 00	108,500 00
C. Allardice	100,000	8 13-32	8,406 25	108,406 25
Richards & Kean	100,000	8 13-32	8,406 25	108,406 25
H. C. Carter	10,000	8 13-32	840 63	10,840 63
Jay Cooke & Co.	275,000	8 7-16	23,203 13	298,203 13
Trevor & Colgate	25,000	8 7-16	2,109 37	27,109 37
Henry Clews & Co.	5,000	8 7-16	421 88	5,421 88
Limbert & Leland Brothers	5,000	8 7-16	421 87	5,421 87
White, Morris & Co.	10,000	8 7-16	843 75	10,843 75
Jay Cooke & Co.	100,000	8 7-16	8,437 50	108,437 50
Richards & Kean	150,000	8 7-16	12,656 25	162,656 25
Foote & Walker	50,000	8 1-2	4,250 00	54,250 00
Giddings and Torrey	30,000	8 1-2	2,550 00	32,550 00
C. Allardice	50,000	8 17-32	4,265 63	54,265 63
Howell & Ryerson	5,000	8 9-16	428 12	5,428 12
D. C. & R. H. Fisk	50,000	8 9-16	4,281 25	54,281 25
Flour City National Bank	20,000	8 9-16	1,712 50	21,712 50
Broadway National Bank	5,000	8 9-16	428 12	5,428 12
Maxwell and Graves	8,000	8 9-16	685 00	8,685 00
Importers and Traders' National B'k.	2,000	8 9-16	171 25	2,171 25
Trevor & Colgate	25,000	8 9-16	2,140 63	27,140 63
Fisk & Hatch	500,000	8 7-16	42,187 50	542,187 50
A. Wood	200,000	8 7-16	16,875 00	216,875 00
Jay Cooke & Co.	300,000	8 7-16	25,312 50	325,312 50
Colorado National Bank	20,500	8-3-4	1,793 75	22,293 75
Bailey & Howard	200,000	8 17-32	17,062 50	217,062 50
Richards & Kean	100,000	8 17-32	8,531 25	108,531 25
Giddings & Torrey	50,000	8 9-16	4,281 25	54,281 25
James Crupley	150,000	8 9-16	12,843 75	162,843 75
First National Bank, Washington	15,000	8 5-8	1,293 60	16,293 60
Jay Cooke & Co.	200,000	8 1-2	17,000 00	217,000 00
Hooper, Reese & Co.	95,000	8 9-16	8,134 38	103,134 38
First National Bank, Washington	5,000	8 1-4	412 50	5,412 50
Jay Cooke & Co.	10,000	8	800 00	10,800 00
Central National Bank, Philadelphia	200,000	7 11-16	15,375 00	215,375 00
First National Bank, Washington	15,000	7 3-4	1,162 50	16,162 50
A. Enos, jr, vice-president.	50,000	6 7-8	3,437 50	53,437 50
Jay Cooke & Co.	50,000	6 7-8	3,437 50	53,437 50
W. M. Parks	10,000	7 5-16	731 25	10,731 25
H. Benda & Co.	15,000	7 5-16	1,096 88	16,096 88
Whitehouse, Morrison & Co.	10,000	7 5-16	731 25	10,731 25
Vermilye & Co.	10,000	7 5-16	731 25	10,731 25
Foote & Walker	65,000	7 5-16	4,753 12	69,753 12
F. B. Woolsey	15,000	7 5-16	1,096 88	16,096 88
Frank & Graves	15,000	7 5-16	1,096 88	16,096 88
Fisk & Hatch	75,000	7 5-16	5,484 37	80,484 37
Giddings & Torrey	100,000	7 3-16	7,187 50	107,187 50
G. S. Bowdoin	15,000	7 3-16	1,078 12	16,078 12
W. Fisher & Sons	100,000	7 3-16	7,187 50	107,187 50
Mellen, Ward & M.	25,000	7 3-16	1,796 87	26,796 87
Johnston Brothers & Co.	50,000	7 3-16	3,593 75	53,593 75
Foote & Walker	50,000	7 3-16	3,593 75	53,593 75
C. Ashworth	100,000	7 3-16	7,187 50	107,187 50
W. & John O'Brien	5,000	7 3-16	359 37	5,359 37
Dabney, Morgan & Co.	100,000	7 3-16	7,187 50	107,187 50
A. Wood	200,000	7 3-16	14,375 00	214,375 00
Hooper, Reese & Co.	25,000	7 3-16	1,796 88	26,796 88
Giddings & Torrey	50,000	7 3-16	3,593 75	53,593 75
Dakin & Olcott	30,000	7 1-16	2,118 75	32,118 75
F. F. Thompson	10,000	7 1-16	706 25	10,706 25
Jay Cooke & Co.	100,000	6 7-8	6,875 00	106,875 00

Sales of 5-20 bonds, per act of March 3, 1865—Continued.

To whom sold.	Amount.	Rate.	Premium.	Total.
Smith, Randolph & Co.....	\$50,000	7	\$3,500 00	\$53,500 00
Do	50,000	7 1-8	3,562 50	53,562 50
Do	50,000	7 1-8	3,562 50	53,562 50
Central National Bank, Philadelphia.	150,000	7	10,500 00	160,500 00
Drexel & Co	50,000	7 5-8	3,812 50	53,812 50
Hooper, Reese & Co	25,000	7 3-16	1,796 88	26,796 88
William Fisher & Sons.....	50,000	7 3-16	3,593 75	53,593 75
Fisk & Hatch	125,000	7 5-16	9,140 62	134,140 62
Giddings & Torrey	50,000	7 7-16	3,718 75	53,718 75
D. C. & R. H. Fisk.....	100,000	7 9-16	7,562 50	107,562 50
Henry Clews & Co.....	10,000	7 9-16	756 25	10,756 25
Foote & Walker.....	40,000	7 11-16	3,075 00	43,075 75
D. C. & R. H. Fisk	100,000	7 11-16	7,687 50	107,687 50
John Pouder	100,000	7 21-32	7,656 25	107,656 25
C. Allardice.....	200,000	7 21-32	15,312 50	215,312 50
Richards & Kean.....	100,000	7 21-32	7,656 25	107,656 25
Foote & Walker.....	50,000	7 11-16	3,843 75	53,843 75
Hooper, Reese & Co	50,000	7 11-16	3,843 75	53,843 75
Do	25,000	7 11-16	1,921 88	26,921 88
Foote & Walker.....	15,000	7 11-16	1,153 12	16,153 12
L. Van Hoffman & Co	5,000	7 11-16	384 38	5,384 38
Foote & Walker.....	15,000	7 11-16	1,153 12	16,153 12
Cammann & Co.....	50,000	7 3-4	3,875 00	53,875 00
Moot & Juth	15,000	7 25-32	1,167 18	16,167 18
G. K. Sistare	7,000	7 25-32	544 68	7,544 68
Humphreys & Co	3,000	7 25-32	233 44	3,233 44
W. H. Meredith	10,000	7 25-32	778 13	10,778 13
C. Allardice	10,000	7 35-32	778 13	10,778 13
Bank of Pittsburgh.....	6,000	7 13-16	468 75	6,468 75
DeJunge & Co	9,000	7 13-16	703 12	9,703 12
Ward & Co	20,000	7 13-16	1,562 50	21,562 50
Wm. Fisher & Sons.....	5,000	7 13-16	390 63	5,390 63
Trevor & Colgate.....	10,000	7 13-16	781 25	10,781 25
Mellen, Ward & Co.....	30,000	7 13-16	2,343 75	32,343 75
Ninth National Bank, New York.....	50,000	7 13-16	3,906 25	53,906 25
T. L. Taylor & Reed.....	5,000	7 13-16	390 63	5,390 63
Giddings & Torrey	50,000	7 13-16	3,906 25	53,906 25
Baker & Kitchen	10,000	7 13-16	781 25	10,781 25
C. E. Fuller & Co	5,000	7 13-16	390 63	5,390 63
J. N. Iselin & Co	10,000	7 13-16	781 25	10,781 25
D. C. & R. H. Fisk	50,000	7 13-16	3,906 25	53,906 25
Foote & Walker.....	50,000	7 13-16	3,906 25	53,906 25
William McKnight.....	25,000	7 13-16	1,953 12	26,953 12
T. L. Taylor & Reed	5,000	7 13-16	390 63	5,390 63
White, Morris & Co	5,000	7 13-16	390 62	5,390 62
Vernilys & Co.....	500,000	3	15,000 00	515,000 00
Do	1,000,000	3	30,000 00	1,030,000 00
H. A. Heiser's Sons.....	100,000	3	3,000 00	103,000 00
Vernilys & Co.....	1,000,000	3	30,000 00	1,030,000 00
Adams, Kimball & Moore.....	100,000	3	3,000 00	103,000 00
P. M. Myers & Co.....	250,000	5 5-8	14,062 50	264,062 50
Do	250,000	5 3-4	14,375 00	264,375 00
Do	250,000	5 5-8	14,062 50	264,062 50
Do	200,000	5 3-4	11,500 00	211,500 00
Do	500,000	5 5-8	28,125 00	528,125 00
Do	500,000	5 5-8	28,125 00	528,125 00
Do	100,000	1 7-8	1,875 00	101,875 00
Do	175,000	1 7-8	3,281 25	178,281 25
Merchants' Bank.....	500,000	1 7-8	9,375 00	509,375 00
Do	500,000	1 7-8	9,375 00	509,375 00
P. M. Myers & Co.....	250,000	2	5,000 00	255,000 00
Do	20,000	2 1-8	425 00	20,425 00
Do	10,000	2	200 00	10,200 00

Sales of 5-20 bonds, per act of March 3, 1865—Continued.

To whom sold.	Amount.	Rate.	Premium.	Total.
Vermilye & Co.....	\$548,500	1 5-8	\$8,913 13	\$557,413 13
Do.....	500,000	1 7-8	9,375 00	509,375 00
Do.....	500,000	1 7-8	9,375 00	509,375 00
P. M. Myers & Co.....	500,000	1 7-8	9,375 00	509,375 00
Do.....	162,500	2	3,250 00	165,750 00
Vermilye & Co.....	50,000	3	15,000 00	515,000 00
Do.....	1,000,000	3 1-4	32,500 00	1,032,500 00
Winslow, Lanier & Co.....	20,000	3 1-2	700 00	20,700 00
Merchants' Bank.....	5,000	3 1-4	162 50	5,162 50
Vermilye & Co.....	200,000	3	6,000 00	206,000 00
P. M. Myers & Co.....	300,000	3 1-4	9,750 00	309,750 00
Third National Bank.....	47,000	3 1-4	1,527 50	48,527 50
Vermilye & Co.....	500,000	3 3-8	16,875 00	516,875 00
Do.....	500,000	4 1-8	20,625 00	520,625 00
Winslow, Lanier & Co.....	60,000	4 7-8	2,925 00	62,925 00
Vermilye & Co.....	500,000	4 3-4	23,750 00	523,750 00
Do.....	50,000	4 7-8	2,437 50	52,437 50
Jay Cooke & Co.....	250,000	4 7-8	12,187 50	262,187 50
Vermilye & Co.....	255,500	4 7-8	12,456 62	267,956 62
Do.....	400,000	6 3-8	25,500 00	425,500 00
Do.....	200,000	6 1-2	13,000 00	213,000 00
Jay Cooke & Co.....	1,000,000	6 1-2	65,000 00	1,065,000 00
Vermilye & Co.....	50,000	9 1-8	45,625 00	545,625 00
Do.....	500,000	9	45,000 00	545,000 00
Jay Cooke & Co.....	500,000	9 1-8	45,625 00	545,625 00
Do.....	500,000	9 1-8	45,625 00	545,625 00
Do.....	500,000	9 1-4	46,250 00	546,250 00
A. H. Kelly.....	500,000	9 1-8	45,625 00	545,625 00
P. M. Myers & Co.....	500,000	9 1-8	45,625 00	545,625 00
Vermilye & Co.....	500,000	9 3-8	46,875 00	546,875 00
Do.....	500,000	9 1-2	47,500 00	547,500 00
Jay Cooke & Co.....	500,000	9 1-2	47,500 00	547,500 00
Winslow, Lanier & Co.....	130,000	9 1-2	12,350 00	142,350 00
Do.....	270,000	9 3-8	25,312 50	295,312 50
A. H. Kelly.....	425,000	9 1-2	40,375 00	465,375 00
P. M. Myers & Co.....	200,000	9 3-8	18,750 00	218,750 00
Vermilye & Co.....	450,000	9 1-2	42,750 00	492,750 00
Do.....	1,000,000	9	90,000 00	1,090,000 00
Do.....	1,000,000	9 1-4	92,500 00	1,092,500 00
Do.....	500,000	10 1-8	50,625 00	550,625 00
Do.....	500,000	10	50,000 00	550,000 00
Do.....	500,000	8	40,000 00	540,000 00
Do.....	500,000	8 1-8	40,625 00	540,625 00
Jay Cooke & Co.....	250,000	8	20,000 00	270,000 00
Do.....	250,000	8 1-8	20,312 50	270,312 50
Vermilye & Co.....	500,000	8 1-4	41,250 00	541,250 00
Seventh Ward Bank.....	125,000	8	10,000 00	135,000 00
Jay Cooke & Co.....	500,000	8	40,000 00	540,000 00
Vermilye & Co.....	500,000	8	40,000 00	540,000 00
Jay Cooke & Co.....	701,000	8 1-8	56,875 00	753,875 00
Vermilye & Co.....	311,000	8 1-8	24,375 00	324,375 00
Jay Cooke & Co.....	50,000	8 1-8	4,062 50	54,062 50
Do.....	500,000	8 1-4	41,250 00	541,250 00
Vermilye & Co.....	500,000	8 1-4	41,250 00	541,250 00
Do.....	500,000	8 1-2	42,500 00	542,500 00
P. M. Myers & Co.....	200,000	8 1-4	16,500 00	216,500 00
Jay Cooke & Co.....	500,000	8 1-2	42,500 00	542,500 00
Vermilye & Co.....	250,000	8 5-8	21,562 50	271,562 50
Do.....	250,000	8 3-4	21,875 00	271,875 00
Do.....	400,000	8 3-4	35,000 00	435,000 00
Do.....	250,000	8 3-8	20,937 50	270,937 50
Do.....	500,000	8 1-2	42,500 00	542,500 00
Jay Cooke & Co.....	150,000	8 3-4	13,125 00	163,125 00

Sales of 5-20 bonds, per act of March 3, 1865—Continued.

To whom sold.	Amount.	Rate.	Premium.	Total.
Jay Cooke & Co.....	\$150,000	8 7-8	\$13,312 50	\$163,312 50
Do.....	250,000	8 3-8	20,937 50	270,937 50
First National Bank.....	250,000	8 1-2	21,250 00	271,250 00
Vermilye & Co.....	500,000	8	40,000 00	540,000 00
Do.....	250,000	7	17,500 00	267,500 00
Do.....	250,000	7 1-2	18,750 00	268,750 00
Do.....	250,000	7 5-8	19,062 50	269,062 50
Jay Cooke & Co.....	250,000	7	17,500 00	267,500 00
P. M. Myers & Co.....	250,000	7	17,500 00	267,500 00
Fisk & Hatch.....	250,000	7 1-8	17,812 50	267,812 50
Seventh Ward National Bank.....	53,000	7 5-8	4,041 25	57,041 25
Croton National Bank.....	50,000	7 5-8	3,812 50	53,812 50
Jay Cooke & Co.....	250,000	7	17,500 00	267,500 00
Vermilye & Co.....	400,000	7 5-8	30,500 00	430,500 00
Jay Cooke & Co.....	500,000	7 5-8	38,125 00	538,125 00
Do.....	66,300	6 3-8	4,226 62	70,526 62
Total sales.....	103,753,000		5,946,314 80	109,699,314 80

B.—Purchases of 7-30 notes, acts June 30, 1864, and March 3, 1865.

From whom purchased.	Amount.	Rate.	Premium.	Interest.	Total.
Theodore Eiswald.....	\$2,000			\$163 60	\$2,163 60
Jay Cooke & Co.....	250,000			3,930 00	253,930 00
Do.....	500,000			7,565 60	507,565 60
Do.....	25,000	1-8 dis.	\$31 25	335 00	25,303 75
Do.....	100,000	1-8 dis.	125 00	2,240 00	102,115 00
Do.....	401,350	1 5-8	6,521 94	7,653 97	415,525 91
Do.....	598,650	1 7-8	11,224 69	10,676 38	620,551 07
Do.....	100,000	1 7-8	1,875 00	1,580 00	103,455 00
Do.....	250,000	2 1-8	5,312 50	9,650 00	520,587 50
Do.....	250,000	2 1-4	5,625 00		
Do.....	250,000	2 1-8	5,312 50	4,360 00	259,672 50
Do.....	47,150	2	943 00		
Do.....	101,400	2 1-4	2,281 50	5,230 75	260,864 69
Do.....	101,450	2 3-8	2,409 44		
Do.....	17,500	2	350 00	454 14	18,304 14
A. J. Allen.....	200			7 30	207 30
Jay Cooke & Co.....	158,700	2 7-16	3,868 31	4,324 19	209,070 13
Do.....	41,300	2 1-8	877 63		
Do.....	500,000	2 3-8	11,875 00	10,964 00	522,839 00
Do.....	500,000	2 3-8	11,875 00	14,276 80	526,151 80
Do.....	300,000	2 3-8	7,125 00	8,617 59	315,742 59
Do.....	275,000	2 5-8	7,218 75	7,112 33	229,331 08
Do.....	250,000	2 3-4	6,875 00	13,219 80	527,282 30
Do.....	250,000	2 7-8	7,187 50		
Do.....	100,000	2 3-4	2,750 00	2,731 89	105,481 89
Do.....	300,000	2 3-4	8,250 00		
Do.....	150,000	2 7-8	4,312 50	12,350 60	474,913 10
Do.....	250,000	2 3-4	6,875 00		
Do.....	200,000	2 7-8	5,750 00	10,208 57	472,833 57
Do.....	200,000	2 3-4	5,500 00		
Winslow, Lanier & Co.	309,500	2 7-8	8,898 13	4,084 50	335,332 31
Do.....	11,500	2 13-16	323 43		
Do.....	1,000	2 5-8	26 25	195 00	77,351 25
Do.....	75,000	2 7-8	2,156 25		
Do.....	51,000	2 7-8	1,466 25	1,683 00	54,149 25
Do.....	38,000	2 7-8	1,092 50	1,137 60	40,230 10

B.—Purchases of 7-30 notes, acts June 30, 1864, and March 3, 1865—Cont'd.

From whom purchased.	Amount.	Rate.	Premium.	Interest.	Total.
Vermilye & Co.....	\$400,000	4 1-2	\$18,000 00	\$3,682 00	\$421,682 00
Do.....	200,000	4 5-8	9,250 00	3,370 00	213,120 00
Jay Cooke & Co.....	1,008,000	4 5-8	46,620 00	10,286 40	1,064,906 40
Do.....	150,000	5 3-4	8,625 00	3,400 00	214,962 50
Do.....	50,000	5 7-8	2,937 50		
Vermilye & Co.....	500,000	5 3-4	23,750 00	8,100 00	536,850 00
P. M. Myers & Co.....	100,000	5 5-8	5,625 00	4,785 00	295,691 25
Do.....	175,000	5 7-8	10,281 25		
Do.....	2,450	5 3-8	131 69	2,426 43	149,806 87
Do.....	100,000	5 5-8	5,625 00		
Do.....	37,000	5 7-8	2,173 75	461 70	43,341 07
Do.....	40,500	5 7-8	2,379 37		
Jay Cooke & Co.....	1,000,000	6 1-8	61,250 00	17,600 00	1,078,850 00
Vermilye & Co.....	200,000	6	12,000 00	2,096 00	214,096 00
Jay Cooke & Co.....	1,000,000	6 1-8	61,250 00	17,800 00	1,079,050 00
Vermilye & Co.....	250,000	6	15,000 00	3,636 00	268,636 00
Jay Cooke & Co.....	1,000,000	6 1-8	61,250 00	14,560 00	1,075,810 00
Vermilye & Co.....	500,000	6	30,000 00	8,370 00	538,370 00
Charles Cunningham..	100	-----	-----	3 65	103 65
John C. Proctor.....	450	-----	-----	15 80	465 80
Samuel Titcomb.....	1,450	-----	-----	-----	1,450 00
S. Butts.....	200	-----	-----	28	200 28
W. S. Southard.....	1,300	3 1-2	45 50	22 58	1,368 08
W. H. Darrow.....	100	-----	-----	5 65	105 65
Vermilye & Co.....	200,000	6	12,000 00	3,760 00	215,760 00
Winslow, Lanier & Co.	1,500,000	6	90,000 00	23,123 18	1,613,123 18
Vermilye & Co.....	100,000	6	6,000 00	1,830 00	107,830 00
Do.....	250,000	6	15,000 00	5,120 00	270,120 00
Jay Cooke & Co.....	500,000	6	30,000 00	10,500 00	540,500 00
Do.....	1,000,000	6	60,000 00	24,800 00	1,084,800 00
Do.....	500,000	6	30,000 00	11,570 00	541,570 00
P. M. Myers & Co.....	1,234,600	6	74,076 00	24,933 92	1,333,609 92
Do.....	765,400	6	45,924 00	16,572 42	827,896 42
Jay Cooke & Co.....	1,000,000	6	60,000 00	23,000 00	1,083,000 00
Winslow, Lanier & Co.	500,000	6	30,000 00	13,100 00	543,100 00
Do.....	500,000	6	30,000 00	12,900 00	542,900 00
Vermilye & Co.....	300,000	5 3-4	17,250 00	8,100 00	325,350 00
Jay Cooke & Co.....	600,000	5 7-8	35,250 00	16,380 00	651,630 00
Vermilye & Co.....	200,000	5 3-4	11,500 00	5,320 00	216,820 00
H. A. Heiser's Sons...	7,900	5 3-8	424 62	251 22	8,575 84
Vermilye & Co.....	300,000	5	15,000 00	8,340 00	323,340 00
Jay Cooke & Co.....	250,000	5 1-4	13,125 00	7,490 00	270,615 00
Vermilye & Co.....	300,000	5 1-4	15,750 00	8,640 00	324,390 00
H. A. Heiser's Sons...	3,050	5 1-8	156 31	78 69	3,285 00
Jay Cooke & Co.....	250,000	5 1-8	12,812 50	7,190 00	270,002 50
H. A. Heiser's Sons...	13,750	4 7-8	670 31	401 15	14,821 46
Vermilye & Co.....	250,000	5 1-2	13,750 00	7,140 00	270,890 00
Do.....	500,000	5 1-2	27,500 00	15,640 00	543,140 00
Do.....	400,000	5 3-4	23,000 00	13,030 00	436,030 00
Jay Cooke & Co.....	250,000	5 3-4	14,375 00	8,700 00	273,075 00
Vermilye & Co.....	400,000	5 3-4	23,000 00	12,439 00	435,439 00
Jay Cooke & Co.....	250,000	5 3-4	14,375 00	7,550 00	271,925 00
Vermilye & Co.....	250,000	5 5-8	14,062 50	7,939 00	272,001 50
Fisk & Hatch.....	300,000	5 1-2	16,500 00	10,221 80	326,721 80
Croton National Bank, New York.....	100,000	5 5-8	5,625 00	3,560 00	109,185 00
Jay Cooke & Co.....	250,000	5 5-8	14,062 50	7,592 00	271,654 50
Vermilye & Co.....	250,000	5 1-2	13,750 00	8,111 00	271,861 00
Jay Cooke & Co.....	250,000	5 5-8	14,062 50	7,745 00	271,807 50
Vermilye & Co.....	250,000	5 5-8	14,062 50	5,900 00	269,962 50
Do.....	400,000	5 1-2	22,000 00	12,611 40	434,611 40
Jay Cooke & Co.....	250,000	5 3-8	13,437 50	8,750 00	272,187 50
Do.....	150,000	5 1-2	8,250 00	5,400 00	163,650 00

Purchases of 7-30 notes, acts June 30, 1864, and March 3, 1865—Continued.

From whom purchased.	Amount.	Rate.	Premium.	Interest.	Total.
Jay Cooke & Co.....	\$250,000	5 1-8	\$12,812 50	\$4,280 00	\$267,092 50
Croton National Bank, New York	80,000	5 1-8	4,100 00	1,650 00	85,750 00
Jay Cooke & Co.....	200,000	5 1-4	10,500 00	3,060 00	213,560 00
Vermilye & Co.....	200,000	5 1-8	10,250 00	4,797 00	215,047 00
Do.....	250,000	5 1-4	13,125 00	3,758 00	266,883 00
Do.....	250,000	5 3-8	13,437 50	1,420 00	264,857 50
Fisk & Hatch.....	100,000	5 1-4	5,250 00	1,730 14	106,980 14
Do.....	100,000	5 3-8	5,375 00	2,161 50	107,536 50
Vermilye & Co.....	250,000	5 3-8	13,437 50	2,541 00	265,978 50
Jay Cooke & Co.....	500,000	5 3-8	26,875 00	10,590 00	537,465 00
Do.....	250,000	5 1-4	13,125 00	4,890 00	268,015 00
Do.....	250,000	5	12,500 00	350 00	262,850 00
Do.....	250,000	5 1-8	12,812 50	300 00	263,112 50
Fisk & Hatch.....	100,000	5 1-8	5,125 00	852 00	105,977 00
Do.....	100,000	5 1-4	5,250 00	2,378 00	107,628 00
Wm. B. Wiltbank....	200,000	5 1-8	10,250 00	5,160 00	215,410 00
Central National Bank, New York	184,000	6	11,040 00	5,283 60	200,323 60
National Bank of the Republic	50,000	5 1-8	2,562 50	1,360 00	53,922 50
Vermilye & Co.....	450,000	5	22,500 00	6,217 18	478,717 18
Do.....	500,000	5 1-4	26,250 00	5,649 00	531,899 00
Do.....	100,000	5 1-8	5,125 00	2,560 00	107,685 00
H. A. Heiser's Sons ...	50,000	4 7-8	2,437 50	1,310 00	53,747 50
Fisk & Hatch.....	100,000	5	5,000 00	2,172 60	107,172 60
Do.....	100,000	5 1-8	5,125 00	1,310 22	106,435 22
Jay Cooke & Co.....	75,000	5	3,750 00	2,430 00	81,180 00
Croton National Bank, New York	50,000	4 7-8	2,437 50	1,502 00	53,939 50
Fisk & Hatch.....	100,000	4 7-8	4,875 00	2,680 00	107,555 00
Do.....	100,000	5	5,000 00	476 40	105,476 40
Jay Cooke & Co.....	175,000	5	8,750 00	385 00	184,135 00
Vermilye & Co.....	110,000	4 7-8	5,362 50	1,415 20	116,777 70
Do.....	140,000	4 7-8	6,825 00	1,957 00	148,782 00
Do.....	100,000	4 1-4	4,250 00	.....	104,250 00
Do.....	300,000	4 1-8	12,375 00	6,687 20	319,062 20
Jay Cooke & Co.....	300,000	4 1-8	12,375 00	.....	.....
Do.....	200,000	4	8,000 00	11,225 00	531,600 00
Do.....	250,000	4 7-8	12,187 50	6,555 00	268,742 50
Ass't Treasurer, N. Y..	4,390,000	.....	.....	21,001 60	4,411,001 60
Ass't Treasurer, N. O..	225,000	.....	.....	.....	225,000 00
Do.....	1,336,300	.....	.....	.....	1,336,300 00
G. N. Carlton	50,000	.....	.....	.....	50,000 00
Total purchases.....	41,212,250	.....	1,724,399 62	763,285 72	43,704,935 34

C.—*Commissions paid on account of sales of 5-20 bonds, act March 3, 1865.*

To whom.	On what amount.	Rate.	Commission.
Jay Cooke & Co.....	\$67,930,700	$\frac{1}{2}$	\$84,913 38
P. M. Myers & Co	3,167,500	$\frac{1}{2}$	3,959 37
Total commission on sales of 5-20's.....	.....	.....	88,872 75

D.—*Commissions paid on account of 7-30 notes, acts June 30, 1864, and March 3, 1865.*

Jay Cooke & Co.....	\$9,467,500	$\frac{1}{2}$	\$11,834 37
Winslow, Lanier & Co	486,000	$\frac{1}{2}$	607 50
P. M. Myers & Co.....	454,950	$\frac{1}{2}$	568 69
Total commission on purchases of 7-30's.....	.....	.....	13,010 56

CONTRACTS FOR FIRE-ARMS.

LETTER
FROM
THE SECRETARY OF WAR,
IN ANSWER TO

A resolution of the House of the 9th instant, relating to contracts for fire-arms made since April, 1864.

JANUARY 23, 1867.—Laid on the table and ordered to be printed.

WAR DEPARTMENT,
Washington City, January 21, 1867.

SIR: I have the honor to transmit herewith a report by the Chief of Ordnance, dated January 11, 1867, containing the information called for in the resolution of the House of Representatives dated January 9, 1867, respecting contracts for fire-arms made since April, 1864.

Very respectfully, sir, your obedient servant,

EDWIN M. STANTON,
Secretary of War.

Hon. S. COLFAX,
Speaker of the House of Representatives.

ORDNANCE OFFICE, WAR DEPARTMENT,
Washington, January 11, 1867.

SIR: I have the honor to acknowledge your reference of the resolution of the House of Representatives of 9th instant, asking for information on the subject of contracts for fire-arms since April 5, 1864, and to transmit, herewith, a statement of such contracts, showing such as have been extended.

No contract made subsequent to April 5, 1864, for the manufacture of rifles, carbines, and pistols, has been renewed; none has been extended except as reported on the statement; no increase of price has been made upon any of these contracts, and if any of them have been sub-let it has been done without the authority of this department, so far as can be ascertained from the records of this office.

The resolution of the House of Representatives is returned herewith.

Very respectfully, your obedient servant,

A. B. DYER,
Brevet Major General, Chief of Ordnance.

Hon. E. M. STANTON,
Secretary of War.

CONTRACTS FOR FIRE-ARMS

Statement showing the contracts for small-arms made by the Ordnance Bureau, War Department, since April 5, 1864.

Date.	Contractor.	Number.	Kind of arms.	Price.
1864.				
May 24	Spencer Rifle Company.....	47,600	Spencer, breech loaders.....	\$25 00
June 8	Merrill Arms Company.....	1,200	Merrill.....do.....	18 00
20	E. G. Lamson & Co*.....	1,000	Ball.....do.....	25 00
20	Do*.....	1,000	Palmer.....do.....	20 50
27	Burnside Arms Company†.....	30,500	Spencer.....do.....	25 00
July 6	Do.....	6,000	Burnside.....do.....	19 00
6	Joelyn Arms Company.....	7,000	Joelyn.....do.....	23 50
Sept. 20	Sharp Arms Company.....	15,000	Sharp.....do.....	24 00
Oct. 24	E. Remington & Sons§.....	15,000	Remington.....do.....	23 00
Nov. 19	Gwyn & Campbell.....	1,000	Cosmopolitan.....do.....	22 50
Dec. 2	Burnside Arms Company.....	4,500	Burnside.....do.....	19 00
3	Richardson & Overman.....	100	Gallagher.....do.....	18 00
26	James Warner.....	2,500	Warner.....do.....	20 00
1865.				
Jan. 19	Samuel Norris||.....	5,000	Remington.....do.....	17 00
Feb. 11	Richardson & Overman.....	100	Gallagher.....do.....	20 00
21	Starr Arms Company.....	3,000	Starr.....do.....	20 00
March 11	Richardson & Overman.....	5,000	Gallagher.....do.....	20 00
April 11	Starr Arms Company.....	2,000	Starr.....do.....	20 00
13	James Lee.....	1,000	Lee.....do.....	18 00
1864.				
April 6	J. D. Mowry¶.....	10,000	Springfield, muzzle loaders.....	18 00
15	Spencer Arms Company.....	100	Spencer, breech loaders.....	35 00
May 1	Providence Tool Company**.....	32,000	Springfield, muzzle loaders.....	19 00
Oct. 4	E. Robinson.....	7,000	do.....do.....	18 00
18	Norwich Arms Company.....	15,000	do.....do.....	19 00
Dec. 1	Sharp Arms Company.....	150	Sharp, breech loaders.....	38 00
1865.				
Jan. 7	Do.....	1,000	do.....do.....	36 00
Feb. 1	A Jenck & Son.....	6,000	Springfield, muzzle loaders.....	19 00
24	Welch, Brown & Co.....	1,500	do.....do.....	18 00
March 7	Sharp Arms Company.....	5,000	Sharp, breech loaders.....	33 00
April 7	New Haven Arms Company.....	500	Henry.....do.....	38 00
May 16	Do.....	127	do.....do.....	38 00
1864.				
April 8	C. B. Hoard.....	5,000	Hoard.....	12 00
Oct. 24	E. Remington & Sons.....	20,000	Remington.....	15 50
Nov. 29	Rogers & Spencer.....	5,000	Rogers & Spencer.....	12 00

* Remarks relative to contracts with E. G. Lamson & Co.—The Ball's carbines were to have been delivered January 15, 1865, at which time none had been delivered. On the 2d of December, 1864, an extension of six months was granted, and on the 17th of January, 1865, a further extension of six months was given. The Palmer's carbines were to have been delivered August 31, 1864, at which time none had been delivered. On the 18th of August, 1864, an extension of three months was given. On the 17th of December, 1864, another extension of four and a half months was given, and on the 3d of May, 1865, a further extension of 28 days. These arms were ordered in pursuance of the recommendation of the commission on ordnance and ordnance stores of May 26, 1862, viz: "That after a sample has been approved as above, one thousand be ordered for trial by troops, and that no large number be ordered until satisfactory test has been made by them." The preliminary test had been highly satisfactory, and as these arms had been intended for metallic cartridges, it was desirable to put them into service for actual trial. The extensions were made because of the delay caused by the Ordnance department in adopting the calibre for cavalry arms. None of these arms had been delivered prior to the last extension in each case. The delivery was completed during the last extension. Number contracted for, 2,000. None of them delivered on time; 2,000 delivered on extension.

† Remarks relative to contract with Burnside Arms Company.—An extension of sixty days, from August 31, 1865, was granted in this case. The contract expired August 31, 1865 at which time 30,000 carbines had been delivered. The extension was granted because of change made in the calibre and other parts of the arm subsequent to the date of contract, and also because the arms were needed for the public service. The delivery was completed during the last extension. Number contracted for, 30,500; delivered on time, 20,000; on extension, 10,500.

¶ Remarks relative to contract with Joelyn Arms Company.—Contract extended for sixty days, from October 31, 1864, at which time it expired, and at which time 3,000 arms had been delivered. It was again extended for twenty days, from January 31, 1865 at which time 6,000 had been delivered. These arms were also for using metallic cartridges, and were considered at that time very good for service. The extension was granted because of the urgent plea made by the contractors that they had been delayed by the lowness of the water in the river, which prevented the working of their factory. The last extension owing to the fact that the parts of the arms were nearly completed. The final delivery was made during the last extension. Number contracted for, 7,000; delivered on time, 3,000; on extension, 4,000.

§ Remarks relative to contract with E. Remington & Sons.—These arms were to have been delivered on or before the 1st of December, 1865, at which date only 5,000 were delivered. It having been shown to the satisfaction of the department that the contractors had striven faithfully to fulfil the contract, that the arms were in process of manufacture, and that the delays were occasioned by circumstances beyond their control, an extension of time to enable them to deliver the whole number was recommended. On the 2d of November, 1865, in view of the equitable circumstances of the case, an extension of six months was allowed them to deliver 9,000 of the number forfeited. A further extension to enable them to deliver the additional 1,000 was granted February 28 1866, for the same reasons. These arms were considered good and suitable in all respects for the military service, and the supply of suitable breech-loading carbines on hand was not large. The last 1,000

were delivered during the last extension. Number contracted for, 15,000; delivered on time, 5,000; on extension, 10,000.

¶ *Remarks on contract with Samuel Norris.*—These carbines were to have been delivered by April 30, 1865, at which time none had been delivered. It having been satisfactorily ascertained that the contractor had worked faithfully to deliver the arms as rapidly as possible, that all of them were in process of fabrication, and the arms being regarded as suitable for cavalry, an extension of two months was granted on the 28th of April, 1865, and the whole number was delivered within the extension thus given. Number contracted for, 5,000; none delivered on time; all delivered on extension.

¶ *Remarks on contract with James D. Mowry.*—This contract expired October 31, 1864, at which time 7,000 muskets had been delivered. An extension of sixty days was given in this case, because the muskets were of standard model, and the price was \$1 less per arm than was being paid on other existing contracts. The contract was completed during the extension. Number contracted for, 10,000; delivered on time, 7,000; on extension, 3,000.

** *Remarks on contract with Providence Tool Company.*—This contract expired by its terms on December 31, 1864, at which time only 19,000 muskets had been delivered. An extension of time was given to allow this company to deliver the remainder due under their contract, because of the fact that the parts of the arms were in a forward state of progress to completion, that they were of standard model, and that this company had been one among the first to undertake the manufacture of muskets after the war had commenced. The contract has been fulfilled. Number contracted for, 32,000; delivered on time, 19,000; on extension, 13,000.

A. B. DYER,

Brev. Maj. General, Chief of Ordnance.

ORDNANCE OFFICE, January 11, 1867.



SPRINGFIELD ARMORY.

LETTER

FROM

THE SECRETARY OF WAR,

IN ANSWER TO

A resolution of the House of the 14th instant, respecting small-arms manufactured at the Springfield armory, and purchased elsewhere.

JANUARY 23, 1867.—Laid on the table and ordered to be printed.

WAR DEPARTMENT,
Washington, January 23, 1867.

SIR: I have the honor to transmit herewith a report by the Chief of Ordnance of January 22, 1867, containing the information respecting small-arms fabricated at the Springfield armory and purchased elsewhere, called for by a resolution of the House of Representatives, dated January 14, 1867.

Very respectfully, sir, your obedient servant,

EDWIN M. STANTON,
Secretary of War.

Hon. S. COLFAX,
Speaker of the House of Representatives.

ORDNANCE OFFICE, WAR DEPARTMENT,
Washington, January 22, 1867.

SIR: In compliance with the resolution of the House of Representatives of 14th instant, calling for information as to the number of small-arms manufactured at Springfield and by contractors, and the price thereof, and also the number of arms purchased of foreign manufacture, I have the honor to transmit a statement which gives the information asked for.

As no time is mentioned in the resolution; I have assumed that the information was not wanted anterior to the war, and have taken the period embraced between the 1st of January, 1861, and 30th of June, 1866, as this period embraces the great bulk of our manufacture and purchase of small-arms.

The cost price given is the average cost of each class during the period, some having cost less, and others more.

In addition to the cost price stated, for arms of American manufacture, the price of one dollar may be added to each as the cost of inspecting them, which cost was in almost every case defrayed by the United States.

The resolution of the House of Representatives is herewith returned.

Very respectfully, your obedient servant,

A. B. DYER,

Brevet Maj. Gen'l, Chief of Ordnance.

Hon. E. M. STANTON,
Secretary of War.

Statement of the number of small-arms procured by fabrication and purchase by the Ordnance department from January 1, 1861, to December 31, 1866.

Fabricated :	Average cost.
801, 997 rifle muskets, calibre .58, made at Springfield armory	\$11 97
Purchased, American manufacture :	
393, 961 breech-loading carbines	22 73
670, 617 rifle muskets, calibre .58, Springfield model	19 23
54, 117 muskets and rifles, breech-loading, and others	28 15
359, 449 revolving pistols	15 92
548 pistols of various kinds	6 10
Purchased, foreign manufacture :	
10, 251 carbines, muzzle-loading	6 90
428, 292 Enfield rifles	20 07
736, 049 muskets and rifles, all other kinds	13 66
12, 374 revolving pistols	16 57

A. B. DYER,

Brevet Maj. Gen'l, Chief of Ordnance.

ORDNANCE OFFICE, WAR DEPARTMENT,
January 22, 1867.

